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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective November 15, 1950, §§ 6.101 (h), 6.108 (f), 6.110 (k) and 6.112 (i) are amended as set out below:

1. Section 6.101 (h) is amended to read as follows:

§ 6.101 *Entire Executive Civil Service.* * * *

(h) NC/PD. Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in paragraphs (i) and (j) of this section and except: Positions in Hawaii, Puerto Rico and the Virgin Islands; in the Immigration and Naturalization Service, all positions in Canada and Mexico, and continuing positions at GS-7 and above in Cuba; positions in the Bureau of Customs, Treasury Department, in foreign countries.

2. A new subparagraph is added to § 6.108 (f) as follows:

§ 6.108 *Department of Justice.*

(f) *Immigration and Naturalization Service.* * * *

(3) Pilot Engineers, CPC-4 in Puerto Rico and the Virgin Islands.

3. Section 6.110 (k) (3) is amended to read as follows:

§ 6.110 *Department of the Interior.* * * *

(k) *Division of Territories and Island Possessions.* * * *

(3) The following positions concerned with the government of the Virgin Islands: Executive Assistant to the Governor; Commissioner of Finance; Administrator for St. John; Private Secretary to the Governor; Administrative Assistant to the Governor; Commissioner of Health, V. I.; Assistant Commissioner of Health, St. Croix; Director of Social Welfare, V. I.; Superintendent of Public Works, St. Thomas; Superintendent of Public Works, St. Croix;

Superintendent of Education, St. Thomas; Superintendent of Education, St. Croix; Administrator for St. Croix.

4. A new subparagraph is added to § 6.112 (i) as follows:

§ 6.112 *Department of Commerce.*

* * *

(i) *Bureau of Public Roads.* * * *
(3) Positions of Highway Engineer and Highway Bridge Engineer in Puerto Rico and the Virgin Islands.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1938 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 51-10192; Filed, Aug. 23, 1951; 8:51 a. m.]

PART 9—SEPARATIONS, SUSPENSIONS AND DEMOTIONS

MISCELLANEOUS AMENDMENTS

Effective August 26, 1950, a new subparagraph (4) is added to § 9.105 (b) and a new § 9.107 is added as follows:

§ 9.105 *Authority of Commission to investigate separations, suspensions, reassignments or demotions.* * * *

(b) * * *

(4) The Commission has no authority to investigate a suspension or termination of employment under Public Law 733, 81st Congress where it is alleged that the agency failed to follow the procedure prescribed in the law.

§ 9.107 *Effect of separation under Public Law 733, 81st Congress, or other similar law.* Any civilian officer or employee whose employment is terminated in the interest of national security under the provisions of Public Law 733, 81st Congress, or other law granting the power of summary dismissal in the interest of national security, may request the Civil Service Commission, in writing, to determine whether he is eligible for employment in any other agency or department of the Government. The Commission will determine, after such investigation as necessary, whether the

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FEDERAL REGISTER

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former employee may be employed in another agency or department.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
L. A. MOYER,
Executive Director.

[F. R. Doc. 51-10193; Filed, Aug. 23, 1951; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR APPLES FOR PROCESSING

By virtue of authority vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for apples for processing which have been in effect since September 2, 1946. These standards are currently in effect pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and Public Law 70, 82d Congress, approved July 1, 1951.

§ 51.106 *Standards for apples for processing*—(a) *Grades*—(1) *U. S. No. 1*. U. S. No. 1 shall consist of apples of one variety which are not overripe and which are free from decay, worm holes, freezing injury and internal breakdown. The apples shall also be free from any defect which cannot be removed during the usual commercial preparation for use without causing a loss of over 5 percent, by weight, of the apple in excess of that which would occur if the apple were perfect. (See Size.)

(2) *U. S. No. 2*. U. S. No. 2 shall consist of apples of one variety which are not overripe and which are free from

freezing injury and internal breakdown. The apples shall also be free from any defect which cannot be removed during the usual commercial preparation for use without causing a loss of over 25 percent, by weight, of the apple in excess of that which would occur if the apple were perfect. (See Size.)

(b) *Culls*. Culls shall consist of apples which do not meet the requirements of either of the foregoing grades.

(c) *Size*. The minimum size and range of size may be fixed by agreement between buyer and seller. The measurement for minimum size shall be the largest diameter taken at right angles to a line from stem to blossom end and the measurement for maximum size shall be the smallest diameter taken at right angles to a line from stem to blossom end.

(d) *Tolerances*. In the application of these standards it is contemplated that in most instances sellers will not sort their apples into separate lots of the various grades and sizes before delivery to the buyer, and that the buyer will pay on the basis of the percentage of each grade and size in the lot as determined by inspection. In such cases, there is no need for tolerances. If the contract between buyer and seller provides for the delivery of lots containing only one grade and size, such as "U. S. No. 1—2¼ inches up," "U. S. No. 1—2¼ to 2½ inches," or "U. S. No. 2—2¼ inches up," then unless otherwise specified, a 10 percent tolerance shall be allowed for apples which fail to meet the requirements of the grade upon which the contract is based, and an additional tolerance of 5 percent shall be allowed for apples below any specified minimum size and an additional tolerance of 10 percent shall be permitted for apples above any specified maximum size.

(Sec. 205, 60 Stat. 1090, Pub. Law 97, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 21st day of August 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator,
Production and Marketing Administration.

[F. R. Doc. 51-10203; Filed, Aug. 23, 1951; 8:52 a. m.]

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR PEARS FOR CANNING

By virtue of authority vested in me by the Secretary of Agriculture, I hereby approve the publication in the FEDERAL REGISTER of the following United States Standards for Pears for Canning which have been in effect since June 12, 1939. These standards are currently in effect pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1037; 7 U. S. C. 1621 et seq.) and

Public Law 70, 82d Congress, approved July 1, 1951.

§ 51.333 *Standards for pears for canning*—(a) *General*. (1) All percentages shall be calculated on the basis of weight.

(b) *Grades*—(1) *U. S. No. 1*. U. S. No. 1 shall consist of pears of one variety which are mature, handpicked, firm, well formed, free from scald, hard end, black end, internal breakdown, decay, worms and wormholes and from damage caused by broken skins, limbruks, sprayburn, sunburn, scab, russetting, bruises, hail, frost, drought spot, disease, insects, mechanical or other means.

(i) Unless otherwise specified, the pears shall not be further advanced than yellowish green.

(ii) Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See Size classification.)

(2) *U. S. No. 2*. U. S. No. 2 shall consist of pears of one variety which are mature, handpicked, firm, not seriously deformed, free from scald, hard end, black end, internal breakdown, decay, worms and worm holes, and from serious damage by any other cause.

(i) Unless otherwise specified, the pears shall not be further advanced than yellowish green.

(ii) Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See Size Classification.)

(c) *Culls*. Culls are pears which do not meet the requirements of either of the foregoing grades.

(d) *Size classification*. The diameter size may be fixed by agreement between buyer and seller. If desired, pears may be contracted on the basis of more than one size classification within one of the above grades such as U. S. No. 1, 2½ to 2¾ inches, U. S. No. 1, 2¾ inches and larger, or U. S. No. 1, 2¼ to 2¾ inches. Specifications also may be made with respect to the ratio of length to diameter such as U. S. No. 1, 2½ to 2¾ inches, length 1¼ times the diameter, U. S. No. 1, 2¾ inches and larger, length 1¼ times the diameter. Similar specifications or simply a minimum size may be designated for U. S. No. 2 grade.

(e) *Definitions of terms*. (1) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(2) "Handpicked" means that the pears do not show evidence of having been on the ground.

(3) "Firm" means that the pear is fairly solid and yields only very slightly to moderate pressure, and is not wilted, shriveled, rubbery or flabby.

(4) "Well formed" means that the pear has the shape characteristic of the variety, so that after paring, cutting in halves and coring, each half of the pear shall be well formed. Bartlett pears shall have at least a fairly well developed neck.

(5) "Damage" means any injury or defect which materially affects the canning quality of the fruit. After paring, cutting in halves and coring, each half of the pear shall be well formed or the pear is considered damaged. Pears showing surface blemishes shall be con-

sidered damaged when the injury cannot be completely removed in the ordinary process of paring for commercial use.

(6) "Pears grown from late blooms." Such pears often have excessively long stems (commonly termed "rat tails"), or may be misshapen or slightly rough. Such pears do not ripen properly for ordinary canning use.

(7) "Seriously deformed" means that the pear is so badly misshapen as to cause a loss during the usual commercial preparation for use of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were well formed. Round or apple-shaped pears shall not be considered seriously deformed.

(8) "Serious damage" means any injury or defect which cannot be removed during the usual commercial preparation for use without a loss of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were not defective.

(9) "Diameter" means the greatest dimension of the pear taken at right angles to a line running from the stem to the blossom end.

(Sec. 205, 60 Stat. 1090, Pub. Law 97, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 21st day of August 1951.

ROY W. LENNARTSON,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 51-10204; Filed, Aug. 23, 1951;
8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 946—MILK IN THE LOUISVILLE, KY., MARKETING AREA

ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 946.0 *Findings and determinations*. The findings and determinations herein after set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record*. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held December 18-21, 1950 and March 9 and 14, 1951, at Louisville, Kentucky, upon a proposed amendment to the tentative marketing agreement and

to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings*. It is necessary, in the public interest, to make this order, as amended, effective not later than September 1, 1951. Any further delay in the effective date of this order, as amended, will seriously threaten the orderly marketing of milk in the Louisville, Kentucky, marketing area. The need for the said order is also disclosed by the aforesaid decision of the Secretary of Agriculture which was executed on July 31, 1951. The provisions of the said order are well known to handlers—the public hearings having been held on December 18-21, 1950 and March 9 and 14, 1951, the recommended decision having been published in the FEDERAL REGISTER (16 F. R. 6625), July 7, 1951, and the final decision (16 F. R. 7619) having been executed by the Secretary on July 31, 1951. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order, as amended, effective September 1, 1951, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determinations*. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended, which is marketed within the Louisville, Kentucky, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Louisville, Kentucky, marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (May 1951), were engaged in the production of milk for sale in the said marketing area, and who participated in a referendum on the question of approval of its issuance.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

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AUTHORITY: §§ 946.1 to 946.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

DEFINITIONS

§ 946.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 946.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the act of the said Secretary of Agriculture.

§ 946.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 946.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 946.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 946.6 *Louisville, Kentucky, marketing area.* "Louisville, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the City of Louisville, the Fort Knox Military Reservation; the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in

said county; and the territory within the townships of Jeffersonville, Utica, Silver Creek, Union, and Charleston, in Clark County, Indiana.

§ 946.7 *City plant.* "City plant" means the building and facilities, except those of a producer-handler, which are used during the month in the processing and packaging of producer milk and from which not less than 10 percent of such milk is distributed in the container in which packaged from delivery routes or plant stores as Class I milk in the marketing area: *Provided*, That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.8 *Country plant.* "Country plant" means the building and facilities, except those of a city plant, which are used during the month in the receipt of milk from dairy farmers who hold dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area and which are approved by such health authority to furnish milk to a city plant for use as Class I milk: *Provided*, That such building and facilities shall include any portion thereof which is used during the month in the processing of producer milk for any use.

§ 946.9 *Pool plant.* "Pool plant" means:

(a) A city plant;

(b) A country plant during the period of October through March for each month in which not less than 10 percent of its receipts from dairy farmers who hold dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area is delivered to a city plant in the form of milk, skim milk, or cream; or

(c) A country plant during the months of April through September from which more than 50 percent of its combined receipts from dairy farmers, who held dairy farm inspection permits issued by the appropriate health authority having jurisdiction in the marketing area, during the preceding period of October through February were delivered to one or more city plants in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15th of withdrawal of the plant from the pool for the months of April through September next following.

§ 946.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any cooperative association with respect to milk of producers which it causes to be diverted to a nonpool plant for the account of such cooperative association; or

(d) Any person, other than a producer-handler, in his capacity as oper-

ator of a nonpool plant used during the month for the processing and packaging of milk any portion of which is disposed of in the marketing area as Class I milk from delivery routes or plant stores.

§ 946.12 *Producer*. "Producer" means any person who produces, under a dairy farm inspection permit issued to such person by the appropriate health authority having jurisdiction in the marketing area (as used in this subpart, "dairy farm inspection permit" shall include approval of milk by the authority to administer regulations governing the quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases located in the marketing area, which is received at a plant from which any portion of such milk is disposed of to such institutions or bases in the container in which packaged as Class I milk), milk which is:

(a) Delivered from his farm to a pool plant;

(b) Diverted by a handler to a pool plant or a nonpool plant: *Provided*, That any such milk so diverted shall be deemed to have been received at the pool plant from which it was diverted: *And provided further*, That this definition shall not include during any of the months of October through February, any person whose milk was diverted to a nonpool plant for more than one-half of the days of such month; or

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided*, That any such milk so diverted shall be deemed to have been received by the cooperative association.

§ 946.13 *Producer milk*. "Producer milk" means all skim milk and butterfat in milk produced by a producer.

§ 946.14 *Other source milk*. "Other source milk" means all skim milk and butterfat received in any form from a producer-handler and from a source other than producers or pool plants, except the receipt of any non-fluid milk product which is disposed of in non-fluid form.

§ 946.15 *Producer-handler*. "Producer-handler" means any person who processes and packages milk from his own farm production, distributing any portion of such milk within the marketing area as Class I milk and who receives no milk from producers.

§ 946.16 *Chicago butter price*. "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month.

MARKET ADMINISTRATOR

§ 946.20 *Designation*. The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 946.21 *Powers*. The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 946.22 *Duties*. The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 946.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 946.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 946.30 through 946.32, or payments pursuant to §§ 946.80 through 946.85;

(j) On or before the 15th day after the end of each month, report to each cooperative association the percentage

in each class of the producer milk caused to be delivered by the cooperative association or by its members to each handler during the month. For the purpose of this report the milk so received shall be allocated in each class for each handler in the same ratio as milk received from all producers by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 10th day after the end of each month, the minimum prices for each class of milk computed pursuant to § 946.51, and the butterfat differentials for each class computed pursuant to § 946.52; and

(2) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 946.71, and the butterfat differential computed pursuant to § 946.81;

(l) On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 946.70; and

(2) The amounts to be paid by such handler pursuant to §§ 946.61, 946.83, 946.86 and 946.87.

REPORTS, RECORDS, AND FACILITIES

§ 946.30 *Reports of receipts and utilization*. On or before the 5th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on the forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers (including such handler's own farm production);

(b) The quantities of skim milk and butterfat contained in receipts from pool plants of other handlers (except the receipt of any nonfluid milk product which is disposed of in nonfluid form);

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I milk other than on routes and through plant stores operated wholly or partially within the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 946.31 *Payroll reports*. On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 946.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided*, That milk diverted to a pool plant as described in § 946.12 (b) need not be reported pursuant to this paragraph.

(c) On or before the 10th day after the request of the market administrator, each handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 946.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and other milk products on hand at the beginning and end of each month.

§ 946.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 946.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat which is received within the month by a handler and which is required to be reported pursuant to §§ 946.30 and 946.61 shall be classified by the market administrator pursuant to the provisions of §§ 946.41 through 946.46.

§ 946.41 *Classes of utilization.* Subject to the conditions set forth in §§ 946.42 through 946.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed, (2) disposed of in fluid form as any milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk, or cream, from sources approved by such authority, and (3) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat the utilization of which is established: (1) As used to produce any product other than those specified in paragraph (a) of this section, (2) as disposed of for livestock feed, (3) as disposed of in any form in bulk and used for non-fluid purposes by soda fountains, restaurants, bakeries, candy and soup manufacturers, and retail food establishments which, under the applicable health regulations, are permitted to receive milk, skim milk, and cream of other than Grade A quality for nonfluid uses, and (4) in plant shrinkage of skim milk and butterfat in milk received from producers and in other source milk computed pursuant to § 946.42.

§ 946.42 *Unaccounted for skim milk and butterfat and plant shrinkage.* Skim milk and butterfat received at a handler's pool plant(s) in excess of such handler's established utilization of skim milk and butterfat pursuant to subparagraphs (1) and (2) of paragraph (a) and subparagraphs (1), (2), and (3) of paragraph (b) of § 946.41 at such plant(s) shall be known as unaccounted for skim milk and butterfat and classified as follows: *Provided*, That if producer milk is diverted by such handler to a pool plant of another handler without having been received for purposes of weighing and testing in the diverting handler's plant, the respective quantities of skim milk and butterfat contained in such receipts of milk shall be included in the receipts of skim milk and butterfat, respectively, of the second handler in computing his plant shrinkage or unaccounted for skim milk and butterfat and shall be excluded from the receipts of skim milk and butterfat, respectively, in such computation for the diverting handler: *And provided further*, That if producer milk is so diverted to a nonpool plant the respective quantities of skim milk and butterfat contained therein shall be excluded from the receipts of the diverting handler in computing his plant shrinkage or unaccounted for skim milk and butterfat.

(a) Prorate the quantities of unaccounted for skim milk and butterfat between such handler's receipts of skim milk and butterfat, respectively, in the milk received from producers and other source milk.

(b) The following portions of the quantities computed pursuant to paragraph (a) of this section shall be known

as shrinkage and classified as Class II milk: *Provided*, That if the quantities of skim milk and butterfat utilized and disposed of in milk and all milk products are not established by such handler all unaccounted for skim milk and butterfat prorated to receipts of milk from producers pursuant to paragraph (a) of this section shall be classified as Class I milk:

(1) That portion of skim milk and butterfat, respectively, prorated to receipts of other source milk;

(2) That portion which is prorated to skim milk in receipts of milk from producers but which, during the months of August through March, is not in excess of 2 percent of the total quantity of skim milk in such receipts and, during the months of April through July, is not in excess of 5 percent of the total quantity of skim milk in such receipts; and

(3) That portion which is prorated to butterfat in receipts of milk from producers but which is not in excess of 2 percent of the total quantity of butterfat in such receipts.

(c) That portion of skim milk and butterfat which is prorated to receipts of milk from producers, pursuant to paragraph (a) of this section, which is in excess of the amount of skim milk and butterfat, respectively, classified as Class II milk, pursuant to paragraph (b) of this section, shall be classified as Class I milk.

§ 946.43 *Responsibility for classification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect, or if used or reused by such handler or by another handler except a producer-handler in another class.

§ 946.44 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of fluid milk, skim milk, or cream (excluding frozen cream) to a pool plant of another handler, unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transaction occurred: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remaining quantity shall be classified as Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to producer milk.

(b) As Class I milk if transferred or diverted to a producer-handler in the form of fluid milk, skim milk, or cream (excluding frozen cream).

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located 100 miles or more from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator.

(d) As Class I milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located less than 100 miles from the City Hall at Louisville, Kentucky, by the shortest hard surface highway distance as determined by the market administrator, and as Class I milk if transferred in the form of fluid cream to such a plant, wherever located, unless the following conditions are met:

(1) The handler claims classification in Class II milk on the basis of a utilization mutually indicated in writing to the market administrator by both the handler and the operator of the nonpool plant on or before the 5th day after the end of the month within which such transaction occurred;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonpool plant; and

(3) An amount of skim milk or butterfat, respectively, not less than that so transferred or diverted was used in the indicated use: *Provided*, That if upon inspection of the records of the nonpool plant it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use the remainder shall be classified as Class I milk.

§ 946.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler.

§ 946.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 946.45, the market administrator shall determine for each handler the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract the plant shrinkage of skim milk in milk received from producers, determined pursuant to § 946.42 (b) (2), from the total pounds of skim milk in Class II;

(2) Subtract the pounds of skim milk in receipts of other source milk which are not subject to the Class I pricing provisions of another order or marketing agreement issued pursuant to the act from the remaining pounds of skim milk in Class II: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract the pounds of skim milk in receipts of other source milk which are subject to the Class I pricing provisions of another order or marketing agreement issued pursuant to the act from the remaining pounds of skim milk

in Class II: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

(4) Subtract the pounds of skim milk in milk, skim milk, and cream received from pool plants of other handlers from the pounds of skim milk in the class to which it was assigned: *Provided*, That, if the pounds of skim milk to be subtracted is greater than the pounds of skim milk in such class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class;

(5) Add the plant shrinkage of skim milk in milk received from producers subtracted in subparagraph (1) of this paragraph, to the remaining pounds of skim milk in Class II; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 946.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section and subparagraph (1) of § 946.51 (b).

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Add 20 percent to the Chicago butter price for the month and multiply by 3.8.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

(b) The price per hundredweight computed by adding together the values determined pursuant to subparagraphs (1) and (2) of this paragraph, dividing by 7, adding 30 percent thereof, and then multiplying by 3.8.

(1) Multiply by 6 the Chicago butter price for the month.

(2) Multiply by 2.4 the simple average, as published by the Department of Agriculture, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month.

(c) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

§ 946.51 *Class prices.* Subject to the provisions of § 946.52, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus \$1.25 per hundredweight.

(b) *Class II milk.* The price of Class II milk for the months of August through March shall be the price per hundredweight computed pursuant to § 946.50 (a), or that pursuant to subparagraph (1) of this paragraph, whichever is higher; and for the months of April through July the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) From the average of the basic or field prices per hundredweight reported by, and ascertained by the market administrator to have been paid by the following concerns at the plants or places listed below, for ungraded milk of 4.0 percent butterfat content, without deductions for hauling or other charges to be paid by the farmer shipper, received from dairy farmers during the month:

Concern and Location

Kraft Foods Co., Lawrenceburg, Ky.
Armour Creameries, Elizabethtown, Ky.
Armour Creameries, Springfield, Ky.
Kraft Foods Co., Salem, Ind.
Ewing-Von Allmen Co., Corydon, Ind.
Ewing-Von Allmen Co., Madison, Ind.
Producers' Dairy Marketing Association, Orleans, Ind.

subtract the amount computed by multiplying the Chicago butter price for the month by 0.12, and then by 2.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Add 15 percent to the Chicago butter price for the month and multiply by 3.8.

(ii) From the simple average as computed by the market administrator of

the weighted averages of carlot prices per pound for nonfat dry milk solids, roller process, for human consumption, f. o. b. manufacturing plants in Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents and multiply by 8.2, and then deduct 8 cents.

§ 946.52 Butterfat differential to handlers. If the weighted average butterfat content of milk received from producers allocated to Class I milk or Class II milk, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of 1 percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(a) *Class I milk.* Multiply by 1.25 the Chicago butter price for the month and divide the result by 10.

(b) *Class II price.* For the months of August through March, multiply by 1.2 the Chicago butter price for the month and divide the result by 10, and for the months of April through July, multiply by 1.15 the Chicago butter price for the month and divide by 10.

APPLICATION OF PROVISIONS

§ 946.60 Producer-handlers. Sections 946.40 through 946.46, 946.50 through 946.52, 946.61, 946.70, 946.71, and 946.80 through 946.88 shall not apply to a producer-handler.

§ 946.61 Handlers operating nonpool plants. Sections 946.30 through 946.32, 946.50 through 946.52, 946.70, 946.71, 946.80 through 946.84, 946.86 and 946.87 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 946.11 (d), except that such handler shall:

(a) On or before the 5th day after the end of the month, make reports to the market administrator in such manner as he may request with respect to such handler's total receipts and utilization of skim milk and butterfat;

(b) On or before the 13th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 946.11 (d) by the difference between the price of Class II milk and the price of Class I milk adjusted by the butterfat differential to handlers; and

(c) On or before the 15th day after the end of the month, pay to the market administrator, as such handler's pro rata share of the expense of administration of this order, 2.5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all Class I milk and all milk, skim milk, and cream used to produce Class II products disposed of during the month in the marketing area in the manner described in § 946.11 (d).

§ 946.62 Handlers subject to other orders. In the case of any handler who

the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, the provisions of this subpart shall not apply except the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 946.70 Net obligation of each handler. The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 946.46 by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 946.46 by the applicable class prices; and

(d) Add the amount computed by multiplying the pounds of other source milk which are allocated to Class I and which are not subject to the Class I pricing provisions of another order or marketing agreement issued pursuant to the act by the difference between the Class II and the Class I prices adjusted by the butterfat differential to handlers.

§ 946.71 Computation of uniform price. For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in § 946.30 for the month and who are not in default of payments pursuant to § 946.83 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 946.81 and multiplying the resulting figure by the total hundredweight of such milk;

(c) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(d) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 946.84 (a), and less the aggregate of the amounts held pursuant

to paragraph (c) of this section for payment pursuant to § 946.84 (b);

(e) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers at a handler's pool plant.

PAYMENTS

§ 946.80 Time and method of payment. On or before the 15th day after the end of each month, each handler shall pay to each producer from whom he received milk during the month an amount of money representing not less than the total value of such producer's milk at the uniform price per hundredweight, subject to the producer butterfat differential, and less deductions authorized by such producer, and less deductions for marketing services: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 946.84, he may reduce uniformly per hundredweight for all producers his payments pursuant to this section by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 946.81 Producer butterfat differential. In making payment to producers pursuant to § 946.80, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, the amount set forth in the following schedule for the price range in which falls the Chicago butter price for the month during which such milk was received.

Butter price range (cents):	Butterfat differential (cents)
17.499 or less.....	2
17.50-22.499.....	2½
22.50-27.499.....	3
27.50-32.499.....	3½
32.50-37.499.....	4
37.50-42.499.....	4½
42.50-47.499.....	5
47.50-52.499.....	5½
52.50-57.499.....	6
57.50-62.499.....	6½
62.50-67.499.....	7
67.50-72.499.....	7½
72.50-77.499.....	8
77.50-82.499.....	8½
82.50-87.499.....	9
87.50-92.499.....	9½
92.50 and over.....	10

§ 946.82 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 946.61, 946.83, and 946.85 and out of

which he shall make all payments pursuant to §§ 946.84 and 946.85: *Provided*, That payments due any handler shall be offset by payments due from such handler.

§ 946.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential.

§ 946.84 *Payments out of the producer-settlement fund.* (a) On or before the 14th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 14th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer from whom milk was received by all handlers during the month an amount computed as follows: Divide one-fourth of the aggregate amount held pursuant to § 946.71 (c) by the hundredweight of milk received from producers by all handlers during the month and multiply the resulting amount (computed to the nearest cent per hundredweight) by the milk received from such producers during the month: *Provided*, That payment under this paragraph to any producer who has given authority to a cooperative association to receive payment for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payments.

§ 946.85 *Adjustment of accounts.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 946.84, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses pay-

ment of less than is required by § 946.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

§ 946.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.80, shall deduct 5 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe, with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.80 as are authorized by such producers, and, on or before the 15th day after the end of each month, pay such deductions to the cooperative association rendering such services.

§ 946.87 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 2.5 cents per hundredweight, or such amount to be not in excess thereof as the Secretary may prescribe, with respect to all receipts by such handler during the month of (a) milk from producers (including such handler's own farm production), and (b) other source milk classified as Class I milk pursuant to § 946.46. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be diverted by such cooperative association to a nonpool plant and milk received from producers at a pool plant of such cooperative association.

§ 946.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is

due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 946.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

§ 946.91 *Suspension and termination.* Any or all provisions of this subpart, or any amendment to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 946.92 Continuing power and duty.

(a) If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this subpart.

§ 946.93 Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions of this subpart, except §§ 946.94, 946.98, 946.91 through 946.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 946.100 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 946.101 Separability of provisions. If any provision of this subpart, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 20th day of August 1951, to be effective on and after September 1, 1951.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-10146; Filed, Aug. 23, 1951;
8:46 a. m.]

[Docket No. AO-166-A14]

PART 965—HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA**DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cincinnati, Ohio, on June 12, 1951, pursuant to notice thereof which was issued on June 4, 1951 (16 F. R. 5445).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 3, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on August 8, 1951 (16 F. R. 7772).

The material issues of record related to:

1. The classification of concentrated milk,
2. Establishment of provisions to adjust automatically Class I and Class II prices in response to changes in the relationship between market supply and demand, and
3. The level of the Class III price during the months of October through February.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. Milk used in the manufacture of concentrated milk should be classified in Class I.

During recent months a product generally referred to as "concentrated milk" has been introduced in a number of markets. While its distribution has not yet been undertaken in the marketing area, it is anticipated that it may be introduced in the market in the near future. This product is not sterilized and is disposed of to consumers for consumption in fluid form by the addition of water, or it may be used in the concentrated form as a cream substitute in coffee or on cereals. While the local health authorities have not made a formal ruling as to the requirements for milk to be concentrated, the record indicates the necessity for the product to be made from milk meeting the same requirements as are applicable to fluid whole milk. Accordingly it is concluded that concentrated milk should properly be classified as Class I milk.

2. Provision should be made for automatically adjusting Class I and Class II prices in response to changes in the relationship between market supply and demand.

Although the present provisions for establishing Class I and Class II prices have usually resulted in appropriate

prices, conditions have arisen in the past which necessitated hearings to amend such provisions in order to keep supply in proper alignment with demand. Such a procedure is time consuming and it is expected that the proposed amendment will tend toward the need for fewer hearings because of more prompt and timely automatic adjustments in these prices.

It is difficult to predict with accuracy whether the market will be adequately supplied with milk in the forthcoming fall and winter. If the market is adequately supplied, the proposed amendment will have little or no effect on Class I and Class II prices, but if the supply is short the proposed amendment will increase Class I and Class II prices and be an incentive for a larger supply. Assurance to producers that prices will be changed promptly in response to any change in the relationship between market supply and demand for milk should encourage them to continue to supply milk to the market.

It is concluded that the measure of the current relationship between market supply and market demand should be based on the ratio of gross Class I utilization to total receipts from producers in a two month period comprising the second and third months preceding the month for which a price is being computed. Many factors affect market supply and demand, but gross Class I utilization and total receipts from producers reflect the net effect of all these factors. Extension of recent changes appears to be the most accurate means of estimating current and prospective supply and demand conditions. Class II volume should not be used in conjunction with Class I as a measure of market demand because present Class II volume is not comparable with Class II volume prior to September 1950.

Use of a two month period is desirable in order to reflect quickly any changes in supply or demand. However, an adjustment based on a short period of this kind may to some extent reflect random changes in utilization which are not indicative of actual trends. It is necessary, therefore, to provide for some method of stabilizing this adjustment and of limiting it as to total magnitude. This has been accomplished by grouping the utilization percentages and setting limits on the amount of the adjustment. The percentage groups are in such intervals that no utilization adjustment occurs until utilization is 3 or 4 percentage points above or below the base period utilization. The next percentage group applies to utilization differences of 6 or 7 percent. In the case of any utilization difference falling between groups, the adjustment amount is determined by the adjacent group which is the same as or nearest to the percentage group used in the previous month. For example, a utilization difference of 5 percent from the base would call for use of the group which includes 3 or 4 percent if the adjustment during the previous month had been determined by that group or a lower one. On the other hand, a 5 percent utilization difference would call for an adjustment based on 6 or 7 percent

if the adjustment during the previous month had been determined by the 6 and 7 percent group or a higher one. The maximum adjustments provided for are 25 cents, 38 cents and 50 cents per hundredweight.

Use of the second and third preceding months will permit announcement each month of the effect on Class I and Class II prices of these provisions prior to the beginning of the month. Thus handlers will know in advance how much prices will be changed each month by these provisions.

The provisions for adjusting Class I and Class II prices should be constructed in such a manner that no price adjustment results when market supply and demand are in proper balance—that is, when the market is adequately supplied. Review of market statistics indicates that such a balance existed during 1949. During that year receipts from producers were adequate to supply fully all of the requirements of the market for milk except in January when a negligible amount of milk (less than 0.1 percent of the total market supply from other sources was used.

The ratio of gross Class I utilization to total receipts from producers during each two month period of 1949 is as follows:

Two month periods of 1949	Ratio (percent)	Month during which such ratio would be used in computing prices
January and February.....	70	April.
February and March.....	63	May.
March and April.....	56	June.
April and May.....	47	July.
May and June.....	44	August.
June and July.....	45	September.
July and August.....	48	October.
August and September.....	54	November.
September and October.....	64	December.
October and November.....	73	January.
November and December.....	75	February.
December and January.....	74	March.

If the comparable ratio in the second and third months preceding the month for which prices are being computed varies from those shown above, the price should be adjusted in the same direction—upward if the current ratio exceeds the one shown above, and downward if the reverse is true. For each percentage point of variation, the Class I and Class II prices should change as follows: 2 cents upward and 4 cents downward during each of the months of April through July; 3 cents during each of the months of August, September, January, February and March; and 4 cents upward and 2 cents downward during each of the months of October through December. Analysis of Classes I and II prices and the ratio of gross Class I utilization to total receipts from producers shows that in recent years the proposed adjustment would have resulted in reasonable prices. It should continue to do so. Seasonally varying adjustments should give additional incentive toward reducing the seasonal variation in receipts from producers. In order to prevent the occurrence of a "counter-seasonal" variation in the adjusted Class I differential it should be provided that the adjusted Class I dif-

ferential for the month of July shall not be more than the adjusted differential for the immediately preceding month of June and the adjusted Class I differential for each of the months of August and September shall not be more than the adjusted differential for the immediately preceding month of June plus 30 cents; and the adjusted Class I differential for each of the months of December, January and February shall not be less than the adjusted differential for the immediately preceding month of November. The adjusted Class I differential for September 1951 shall not be more than the adjusted differential for the immediately preceding month of June plus 30 cents had this amendment then been in effect.

3. No change should be made in the Class III pricing provisions. Handlers proposed that the differential of 30 cents per hundredweight which is added in the computation of the Class III price in each of the months of October through February be removed. Provision for this seasonally higher price in the fall and winter months was contained in an amendment to the order which became effective April 1, 1951. The extent to which such provisions will serve the purposes for which they were intended cannot yet be determined.

This seasonally higher Class III price in the October to February period was designed primarily to discourage handlers from using producer milk in Class III when outlets are available in a higher class. The record does not show that the need for such provisions has ceased to exist.

It is therefore concluded that no change should be made in the Class III pricing provisions.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreement upon which a hearing has been held.

Rulings. Exceptions were filed on behalf of interested parties. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the

extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of June 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an amendment to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area in the manner set forth below is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, as amended.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof, are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area" which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of August 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order¹ Amending the Order, As Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

§ 965.0 **Findings and determinations.** The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 965.41 (a) to read as follows:

(a) Class I milk shall be (1) all milk and skim milk disposed of in the form of milk and milk drinks; (2) all milk and skim milk used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; (3) all milk and skim milk disposed of in the form of any product containing less than 8.0 percent of butterfat not specified in Class II milk, Class III milk, or Class IV milk; or (4) all shrinkage of butterfat in receipts of butterfat from producers and emergency milk in excess of 2.5 percent of such receipts.

2. Amend § 965.51 (a) and (b) to read as follows:

(a) The price for Class I milk shall be the basic formula price, plus \$1.05 for the months of April through July and \$1.35 for the months of August through March, plus or minus "a supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of

Class I milk (less interhandler transfers) in the second and third months preceding by total receipts of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net utilization percentage" by subtracting from the utilization percentage as computed in subparagraph (1) of this paragraph, the Class I utilization percentage shown below:

Month for which the price is being computed;	Class I utilization percentage
January	73
February	75
March	74
April	70
May	63
June	56
July	47
August	44
September	45
October	47
November	54
December	64

(3) Determine the amount of the supply-demand adjustment as follows:

If net utilization percentage is—	Supply-demand adjustment for specified months is—		
	Jan., Feb., Mar., Aug., and Sept.	April, May, June, July	Oct., Nov., and Dec.
+12 or over	Cents +38	Cents +25	Cents +50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 or -1	0	0	0
-3 or -4	-10	-14	-7
-6 or -7	-20	-26	-13
-9 or -10	-28	-38	-19
-12 or -13	-38	-50	-25
-15 or -16	-38	-50	-31
-18 or -19	-38	-50	-37
-21 or -22	-38	-50	-43
-24 or under	-38	-50	-50

When the difference from the base period Class I utilization percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month: *Provided*, That the Class I differential adjusted pursuant to this subparagraph for the month of July shall not be more than such adjusted differential for the immediately preceding month of June and for each of the months of August and September the Class I differential adjusted pursuant to this subparagraph shall not be more than such adjusted differential for the immediately preceding month of June plus 30 cents; and the Class I differential adjusted pursuant to this subparagraph for each of the months of December, January and February shall not be less than the adjusted differential for the immediately preceding month of November.

(b) The price for Class II milk shall be the price for Class I milk minus \$0.45.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

[F. R. Doc. 51-10206; Filed, Aug. 23, 1951; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

MINIMUM EN ROUTE INSTRUMENT ALTITUDE ALTERATIONS

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows:

1. Section 610.12 Green Civil Airway No. 2 is amended to read in part:

From—	To—	Minimum altitude
Syracuse, N. Y. (LFR). Int. E. ers. Clear Creek, Ontario, Canada (LFR).	Albany, N. Y. (LFR). Buffalo, N. Y. (VOR) via 241° direct radial.	3,000 2,000

2. Section 610.12 Green Civil Airway No. 2 is amended by adding:

From—	To—	Minimum altitude
Miles City, Mont. (VOR) via direct or 15° N alt. rad.	Golva, N. Dak. (VOR) via direct or 15° N alt. rad.	4,300
Golva, N. Dak. (VOR) via direct or 15° N alt. rad.	Dickinson, N. Dak. (VOR) via direct or 15° N alt. rad.	4,400
Dickinson, N. Dak. (VOR) via direct or 15° N alt. rad.	Bismarck, N. Dak. (VOR) via direct or 15° N alt. rad.	3,800
Minneapolis, Minn. (VOR) via radial 105 or 120.	Int. Minneapolis, Minn. (VOR) radial 105 or 120 and Rochester, Minn. (VOR) radial 356.	2,400
Int. Minneapolis, Minn. (VOR) radial 105 or 120 and Roch- ester, Minn. (VOR) radial 356 via Minne- apolis, Minn. (VOR) radial 105 or 120.	La Crosse, Wis. (VOR) via radial 303 or 318.	2,600
Lone Rock, Wis. (VOR) via direct or 15° N alt. rad.	Milwaukee, Wis. (VOR) via direct or 15° N alt. rad.	2,500
Lansing, Mich. (VOR) via radial 102.	Int. Lansing, Mich. (VOR) radial 102 and Detroit, Mich. (VOR) radial 347 (Whitelake Int.)	2,300
Milwaukee, Wis. (VOR) via direct or 15° N alt. rad.	Muskegon, Mich. (VOR) via direct or 15° N alt. rad.	1,900

3. Section 610.13 Green Civil Airway No. 3 is amended by adding:

From—	To—	Minimum altitude
Moline, Ill. (VOR) via direct radial.	Naperville, Ill. (VOR) via direct radial.	2,100

¹ MEA not authorized for 15° N altitude radial.

RULES AND REGULATIONS

4. Section 610.101 *Amber Civil Airway*
No. 1 is amended to read in part:

From—	To—	Minimum altitude
Skwentna, Alaska ¹	Farewell, Alaska ²	11,500
¹ 9,000'—minimum crossing altitude at Skwentna, westbound.		
² 11,000'—minimum crossing altitude at Farewell, southeastbound.		

5. Section 610.102 *Amber Civil Airway*
No. 2 is amended to read in part:

From—	To—	Minimum altitude
Big Delta, Alaska (LFR).	Chena (INT), Alaska.	5,000

6. Section 610.104 *Amber Civil Airway*
No. 4 is amended by adding:

From—	To—	Minimum altitude
Aberdeen, S. Dak. (VOR) via direct or 15° SW alt. rad.	Bismarck, N. Dak. (VOR) via direct or 15° SW alt. rad.	3,500
Bismarck, N. Dak. (VOR) via direct radial.	Minot, N. Dak. (VOR) via direct radial.	3,400

¹ 4,200'—minimum continuous VOR reception altitude.7. Section 610.105 *Amber Civil Airway*
No. 5 is amended by adding:

From—	To—	Minimum altitude
Memphis, Tenn. (VOR) via radial 340 or 355.	Malden, Mo. (VOR) via radial 175 or 190.	2,000

8. Section 610.107 *Amber Civil Airway*
No. 7 is amended to read in part:

From—	To—	Minimum altitude
Augusta, Maine (LFR).	Millinocket, Maine (LFR).	2,500
Presque Isle, Maine (LFR).	U. S.-Canadian Boundary.	3,500

9. Section 610.107 *Amber Civil Airway*
No. 7 is amended to eliminate:

From—	To—	Minimum altitude
Augusta, Maine.....	Waterville (INT), Maine.	1,600
Waterville (INT), Maine.	Dixmont (INT), Maine.	2,300
Dixmont (INT), Maine.	Bangor, Maine.....	2,300
Bangor, Maine.....	East Corinth (INT), Maine.	1,700
East Corinth (INT), Maine.	Millinocket, Maine...	2,300

10. Section 610.205 *Red Civil Airway*
No. 5 is amended to read in part:

From—	To—	Minimum altitude
Sioux Falls, S. Dak.	Jeffers (INT), Minn.	3,000
Jeffers (INT), Minn.	Minneapolis, Minn.	2,200

11. Section 610.205 *Red Civil Airway*
No. 5 is amended by adding:

From—	To—	Minimum altitude
Redwood Falls, Minn. (VOR) via direct or 15° S alt. rad.	Minneapolis, Minn. (VOR) via direct or 15° S alt. rad.	2,200

12. Section 610.212 *Red Civil Airway*
No. 12 is amended by adding:

From—	To—	Minimum altitude
Burlington, Iowa (VOR) via direct or 15° N alt. rad.	Bradford, Ill. (VOR) via direct or 15° N alt. rad.	2,000
Bradford, Ill. (VOR) via direct or 15° S alt. rad.	Naperville, Ill. (VOR) via direct or 15° S alt. rad.	2,000

13. Section 610.218 *Red Civil Airway*
No. 18 is amended by adding:

From—	To—	Minimum altitude
Front Royal, Va. (VOR) via dir. rad. 103.	Int. NW crs. Arcola, Va. (LFR).	4,000
Int. Front Royal, Va. (VOR) direct radial 103 and NW crs. Arcola, Va. (LFR).	Herndon, Va. (VOR) via direct radial 283.	3,000

14. Section 610.219 *Red Civil Airway*
No. 19 is amended by adding:

From—	To—	Minimum altitude
Dayton, Ohio (VOR) via direct or 15° SW alt. rad.	Fort Wayne, Ind. (VOR) via direct or 15° SW alt. rad.	2,200
Fort Wayne, Ind. (VOR) via direct radial.	Millersburg, Ind. (VOR) via direct radial.	2,300

15. Section 610.220 *Red Civil Airway*
No. 20 is amended by adding:

From—	To—	Minimum altitude
Lansing, Mich. (VOR) via radial 73.	Flint, Mich. (RBN)...	2,300

16. Section 610.222 *Red Civil Airway*
No. 22 is amended by adding:

From—	To—	Minimum altitude
Syracuse, N. Y. (LFR)...	Utica, N. Y. (LFR)...	1,900
Utica, N. Y. (LFR)....	Starkville (INT), N. Y.	3,000

17. Section 610.227 *Red Civil Airway*
No. 27 is amended by adding:

From—	To—	Minimum altitude
Dayton, Ohio (VOR) via direct or 15° W alt. rad.	Findlay, Ohio (VOR) via direct or 15° W alt. rad.	2,200
Toledo, Ohio (VOR) via direct or 15° W alt. rad.	Detroit, Mich. (VOR) via direct or 15° W alt. rad.	2,100

18. Section 610.228 *Red Civil Airway*
No. 28 is amended by adding:

From—	To—	Minimum altitude
Jamesville, Wis. (VOR) via radial 115.	Int. Jamesville, Wis. (VOR) radial 115 and Chicago Heights, Ill. (VOR) radial 342.	2,500
Lansing, Mich. (VOR) via direct or 15° N alt. rad.	Detroit, Mich. (VOR) via direct or 15° N alt. rad.	2,500

19. Section 610.234 *Red Civil Airway*
No. 34 is amended to read in part:

From—	To—	Minimum altitude
Pulaski, Va. (LFR)....	Charleston, W. Va. (LFR).	6,000

20. Section 610.236 *Red Civil Airway*
No. 36 is amended by adding:

From—	To—	Minimum altitude
Rochester, Minn. (VOR) via direct or 15° W alt. rad.	Minneapolis, Minn. (VOR) via direct or 15° W alt. rad.	2,400
Rochester, Minn. (VOR) via direct or 15° S alt. rad.	La Crosse, Wis. (VOR) via direct or 15° S alt. rad.	2,400

21. Section 610.237 *Red Civil Airway*
No. 37 is amended to read in part:

From—	To—	Minimum altitude
Roanoke, Va. (LFR)...	Charleston, W. Va. (LFR).	6,000

22. Section 610.255 *Red Civil Airway*
No. 55 is amended by adding:

From—	To—	Minimum altitude
Pontiac, Ill. (VOR) via direct or 15° SE alt. rad.	Chicago Heights, Ill. (VOR) via direct or 15° SE alt. rad.	2,000

23. Section 610.257 *Red Civil Airway No. 57* is amended by adding:

From—	To—	Minimum altitude
Moline, Ill. (VOR) via direct or 15° NW alt. rad.	Janesville, Wis. (VOR) via direct or 15° NW alt. rad.	2,200
Janesville, Wis. (VOR) via direct or 15° N alt. rad.	Milwaukee, Wis. (VOR) via direct or 15° N alt. rad.	2,100
Litchfield, Mich. (VOR) via direct radial.	Toledo, Ohio (VOR) via direct radial.	2,200

24. Section 610.262 *Red Civil Airway No. 62* is amended by adding:

From—	To—	Minimum altitude
Cleveland, Ohio (VOR) via direct radial.	Bergholz, Ohio (RBN).	2,600

25. Section 610.285 *Red Civil Airway No. 85* is amended by adding:

From—	To—	Minimum altitude
Dayton, Ohio (VOR) via direct or 15° NW alt. rad.	Mansfield, Ohio (VOR) via direct or 15° NW alt. rad.	2,500

26. Section 610.302 *Red Civil Airway No. 102* is amended by adding:

From—	To—	Minimum altitude
Cincinnati, Ohio (VOR) via direct or 15° N or S alt. rad.	Indianapolis, Ind. (VOR) via direct or 15° N or S alt. rad.	2,300

27. Section 610.304 *Red Civil Airway No. 104* is added to read:

From—	To—	Minimum altitude
Erie, Pa. (LFR).....	Bradford, Pa. (RBN).	4,000

28. Section 610.307 *Red Civil Airway No. 107* is amended by adding:

From—	To—	Minimum altitude
Huron, S. Dak. (VOR) via direct or 15° S alt. rad.	Redwood Falls, Minn. (VOR) via direct or 15° S alt. rad.	13,000

¹3,900'—minimum continuous VOR reception altitude.

29. Section 610.308 *Red Civil Airway No. 108* is amended by adding:

From—	To—	Minimum altitude
Watertown, S. Dak. (VOR) via direct or 15° N alt. rad.	Redwood Falls, Minn. (VOR) via direct or 15° N alt. rad.	3,100

30. Section 610.602 *Blue Civil Airway No. 2* is amended by adding:

From—	To—	Minimum altitude
Elkins, W. Va. (VOR) via direct radial.	Morgantown, W. Va. (LFR).	5,300
Pittsburgh, Pa. (VOR) via direct radial.	Erie, Pa. (VOR) via direct radial.	13,000

¹4,000'—minimum continuous VOR reception altitude.

31. Section 610.609 *Blue Civil Airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
Minneapolis, Minn. (LFR).	Duluth, Minn. (LFR).	2,500

32. Section 610.609 *Blue Civil Airway No. 9* is amended by adding:

From—	To—	Minimum altitude
Minneapolis, Minn. (VOR) via direct radial.	Grantsburg, Wis. (VOR) via direct radial.	2,500
Grantsburg, Wis. (VOR) via direct radial.	Duluth, Minn. (VOR) via direct radial.	2,400

33. Section 610.610 *Blue Civil Airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Los Banos, Calif. ¹	Morgan Hill, Calif. (FM).	6,000
Morgan Hill, Calif. (FM).	Evergreen, Calif. (RBN).	5,000
Evergreen, Calif. (RBN).	Oakland, Calif. (LFR).	6,000

¹6,000'—minimum crossing altitude at Los Banos, northwestbound.

34. Section 610.611 *Blue Civil Airway No. 11* is amended by adding:

From—	To—	Minimum altitude
Cleveland, Ohio (VOR) via radial 69.	Perry (INT), Ohio....	2,500
Perry (INT), Ohio via Cleveland, Ohio and Erie, Pa. (VOR) radial 69 or 251.	Kingsville (INT), Ohio.	2,000
Kingsville (INT), Ohio.	Erie, Pa. (VOR) via radial 251.	2,200
Erie, Pa. (VOR) via direct radial 57.	Int. E crs. Clear Creek, Ontario, Canada (LFR).	2,500

35. Section 610.631 *Blue Civil Airway No. 31* is amended by adding:

From—	To—	Minimum altitude
Burlington, Iowa (VOR) via direct or 15° W alt. rad.	Moline, Ill. (VOR) via direct or 15° W alt. rad.	1,900

36. Section 610.647 *Blue Civil Airway No. 47* is amended by adding:

From—	To—	Minimum altitude
Philipsburg, Pa. (VOR) via direct radial.	Bradford, Pa. (RBN).	4,000

37. Section 610.650 *Blue Civil Airway No. 50* is amended by adding:

From—	To—	Minimum altitude
Augusta, Maine (LFR).	Bangor, Maine (LFR).	2,300

38. Section 610.662 *Blue Civil Airway No. 62* is amended by adding:

From—	To—	Minimum altitude
Detroit, Mich. (VOR) via direct radial.	Flint, Mich. (RBN)...	2,300

39. Section 610.673 *Blue Civil Airway No. 73* is amended by adding:

From—	To—	Minimum altitude
Bradford, Pa. (RBN)...	Buffalo, N. Y. (VOR) via direct radial.	4,500

40. Section 610.681 *Blue Civil Airway No. 81* is added to read:

From—	To—	Minimum altitude
Int. N crs. Charleston, W. Va. (LFR) & SW crs. Parkersburg, W. Va. (VAR).	Zanesville, Ohio (RBN).	2,200
Zanesville, Ohio (RBN)	Akron, Ohio (LFR)...	2,400
Akron, Ohio (LFR)....	U. S.-Canadian Boundary.	2,600

41. Section 610.683 *Blue Civil Airway No. 83* is amended by adding:

From—	To—	Minimum altitude
Janesville, Wis. (VOR) via direct radial.	Madison, Wis. (LOM)	2,100

42. Section 610.684 *Blue Civil Airway No. 84* is amended by adding:

From—	To—	Minimum altitude
Bangor, Maine (LFR).	Millinocket, Maine (LFR).	2,300

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective September 3, 1951.

[SEAL]

F. B. LEE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 51-10194; Filed, Aug. 23, 1951;
8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade
[5th Gen. Rev. of Export Regs., Amdt. 70] *

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 373.16 *Special provisions for certain commodities; evidence of availability* is amended in the following particulars:

Paragraph (b) *Commodities* is amended by adding at the end thereof the following:

Crude asbestos and spinning fibers, unmanufactured, of the following grades only: Amosite standard commercial grades B-1, B-3, D-3, and D3/MI; chrysotile standard commercial grades C & G1, C & GP1, C & G2, and C & GP2; chrysotile, Arizona Crude 1 and Crude 2, or the equivalent of any of the above grades; Schedule B No. 545110.²

This part of the amendment shall become effective as of August 31, 1951.

2. Part 373 *Licensing policies and related special provisions* is amended by adding thereto a new section (§ 373.26) to read as follows:

§ 373.26 *Special provisions for applications covering commodities for which supply assistance is requested.* Special provisions for certain license applications covering commodities for which supply assistance is requested at the same time the license application is filed with the Office of International Trade, are set forth in Part 398 of this chapter.

This part of the amendment shall become effective as of August 16, 1951.

3. Section 398.5 *Assignment of DO ratings by OIT for Controlled Materials Plan materials* is amended to read as follows:

§ 398.5 *CMP; export allocations and procedures—(a) Controlled Materials Plan as applied to exports—(1) Controlled Materials Plan.* A Controlled Materials Plan (CMP) governing the distribution of certain metals has been established by the National Production Authority, effective July 1, 1951. This Plan operates under a series of NPA regulations identified as "CMP Regulations" (numbered serially as "CMP Regulation 1," "CMP Regulation 2," etc.).

* This amendment was published in Current Export Bulletin No. 634, dated August 16, 1951.

² Effective August 31, 1951.

(2) *Materials covered by CMP.* The Controlled Materials Plan at present covers copper, steel, and aluminum in the shapes and forms described in Schedule I of CMP Regulation 1.

(3) *Applicability of CMP to exports.* CMP regulations govern the distribution of controlled materials to all consumers, i. e., exporters as well as domestic U. S. producers using controlled materials. This section sets forth the supplementary rules and procedures which will be followed by the Office of International Trade and exporters in connection with exports of controlled materials (including controlled materials for the manufacture of CMP Class A Products as defined in paragraph (b) (3) of this section) to all destinations except Canada.

(b) *Export quotas and allotment symbols for controlled materials—(1) Assignment of allotment symbols for controlled materials.* Under delegation of authority from the National Production Authority, the Office of International Trade assigns to exporters the right to apply allotment numbers and symbols, as required, for the procurement of controlled materials, and for the production of CMP Class A Products within quota limits. Paragraph (d) of this section shows all Schedule B numbers falling under the category of controlled materials.

(2) *Assignment of allotment symbols.* On all licenses approved for commodities designated as controlled materials under the NPA Controlled Materials Plan, the Office of International Trade assigns to the applicant the right to apply a specified allotment number and symbol to procure the material covered by the license. In the case of Class A Products, this right is assigned on Form CMP-10 to the manufacturer who signed the Form CMP-4A. The CMP allotment symbols designated by the National Production Authority for export are as follows:

CMP Allotment Symbol	Claimant agency OIT
W-2	ECA
W-4	

The allotment symbol will be assigned by the Office of International Trade by endorsing the validated license (or other appropriate document) with the following or similar legend:

By authority of the NPA, the exporter herein named is assigned the right to apply the symbol (e. g. W-2-4Q51) to procure the above described materials.

In the case of Class A Products, the allotment symbol authorizing procurement of the controlled material needed to manufacture the Class A Product will be assigned to the manufacturer directly on CMP Form 10 or other appropriate document by means of a legend similar to that set out above. In addition, the manufacturer will be given the right to apply a DO rating to secure production materials other than controlled materials, needed in the manufacture of the Class A Product, in accordance with section 21 of CMP Regulation 1. The legend in this case would be similar to the following:

By authority of the NPA, the manufacturer herein named is assigned the right to

apply the rating (e. g. DO-W-2) for the procurement of other production materials and components including chemicals and containers, required for the manufacture of the A Product referred to herein.

(3) *CMP A Products.* As noted above, in addition to the controlled materials listed in Schedule I to CMP Regulation 1, the OIT quota also includes controlled materials for the manufacture of CMP A Products for export. Usually "A" products are products of special use or special design sold to one or relatively few customers; they are tied closely to specific production programs, usually defense programs; they include such items as tanks, planes, freight cars, ships, and guns. "B" products, on the other hand, are those products of non-specialized design which are manufactured for use in a large number of different kinds of products and sold to many outlets—such as nuts and bolts, jigs, compressors, cranes, etc. Class A Products are defined officially by the National Production Authority as all products containing steel, copper, and aluminum and not appearing as Class B Products in the NPA "Product Assignment Directory and Official CMP Class B Products List".

License applications for Class A Products must be accompanied by four copies of CMP Form 4A¹ signed by the manufacturer in accordance with the NPA "Instructions for Preparing Form CMP-4A" with these changes:

(i) Item 2—Show name of customer (normally, this will be the applicant for the accompanying export license).

(ii) Item 3—Show customer's purchase order number.

(iii) Item 4—Name and address of manufacturer (whether or not he is also the exporter).

(iv) Section 1—Show proposed production schedule only for the order covered by the license application.

(v) In column (b) of section III, insert the appropriate OIT Reference Code to CMP Commodities explained in paragraph (c) of this section.²

In the event an exporter requires supply assistance for a Class A Product for which a validated license is not required for export to the proposed foreign country of destination, the CMP Form 4A should be filed in accordance with the instructions outlined above, accompanied by a letter of transmittal from the exporter, but without an export license application.

(4) *Requests for conversion of CMP allotments.* If a licensee holding a validated license for controlled materials is unable to place his order during the

¹ The "Class B Product List" is issued by the NPA, and is subject to change from time to time. It is suggested that exporters may wish to become acquainted with this document; copies may be secured for 15¢ each from the Department of Commerce Field Offices and from the Distribution Office, National Production Authority, Department of Commerce, New GAO Building, Fourth & G Streets, NW., Washington 25, D. C.

² CMP Form 4A may be obtained free from the same sources mentioned in footnote 3.

³ Attention of exporters is called to the fact that item numbers printed on CMP Form 4A itself are different from OIT Reference Code to CMP Commodities mentioned in § 398.5 (c).

quarter specified on the face of the license, he may request conversion of his CMP allotment symbol to a symbol valid for a subsequent quarter (reallotment), by submitting to OIT, Washington 25, D. C., Form IT-763, "Request for and Notice of Amendment Action" in accordance with the provisions of § 380.2.

NOTE: In the case of Project Licenses, Form IT-375, "SP (Special) License Application Materials Requirements List" will be submitted with the request.

In addition to the information required on Form IT-763 (or Form IT-375), each request for conversion of the allotment symbol shall include:

(i) The statement "CMP Re-Allotment for _____ Quarter".

(ii) The amount of material for which conversion of allotment symbol is requested.

(iii) The amended expiration date of the export license requested, if necessary.

(iv) For licenses covering materials marked with a star in the list set forth in paragraph (d) of this section, a description of the material in sufficient detail to permit its identification under Schedule I of CMP Regulation 1. Include OIT Reference Code to CMP Commodities described in paragraph (c) of this section.

NOTE: Quantities of controlled materials covered by these re-allotment requests which are approved by OIT must be charged against current quotas. A reserve may be held by OIT for consideration of these requests, but no assurance can be given that all such requests will be approved. Such re-allotment requests as the licensee must file should be submitted to OIT as soon as it becomes evident that the order cannot be scheduled in the quarter originally authorized.

(5) *Controlled materials used as MRO.* The procedure granting supply assistance for the export of maintenance, repair and operating supplies (§ 398.3) based upon NPA Order M-79 specifically excludes controlled materials. License applications for any controlled materials listed in Schedule I of CMP Regulation 1, or for CMP Class A Products, shall be filed in accordance with the provisions of this section, whether intended for use abroad as MRO or for other purposes. However, in the case of controlled materials or Class A Products destined for MRO use in foreign commercial aircraft, application should be filed in accordance with § 398.1 of the Comprehensive Export Schedule.

(6) *CMP Class B Products.* CMP Class B Products do not fall under the provisions of this section. Manufacturers of Class B Products secure their allotment symbols, priority ratings, and authorized production schedule (both domestic and export) through their quarterly applications to the National Production Authority on CMP Form 4B. Manufacturers should be advised to include their materials requirements to fill both domestic and export orders on their form CMP-4B.

(c) *Additional information required on license applications.* Effective immediately, on license applications covering CMP materials (steel, copper, and aluminum as such) exporters must in-

clude in Item 9 (c) of the export license application Form IT-419, or on Form IT-375 in case of project license applications (in addition to the standard requirements for Schedule B number, commodity description, processing code etc.) the appropriate OIT Reference Code to CMP Commodities. Inclusion of this CMP code reference is required in order to identify the commodity fully, and to permit maintenance of proper accounting records as required by the NPA. Paragraph (d) of this section sets forth the CMP materials to which this paragraph applies. In paragraph (d) of this section the CMP materials are listed in their Schedule B order with a column showing the OIT Reference Code to CMP Commodities.

(d) *Controlled Materials Plan Commodities.*

Dept. of Commerce Schedule B No.	Commodity	OIT ref. code to CMP commodities
	<i>Steel mill products</i>	
	(See Special Provisions, §§ 373.2, 373.16)	
600700	Pig iron, all grades	
601020	Iron and steel scrap:	
	No. 1 heavy melting steel scrap (see § 373.1)	
601030	No. 2 melting steel scrap (see § 373.1)	
601040	Hydraulically compressed and baled sheet melting scrap (see § 373.1)	
601070	Cast and burnt iron scrap (see § 373.1)	
601090	Other (include heavy shoveling steel, selected roll scrap, machine-shop turnings, wire shorts (scrap only), etc. (see § 373.1))	
601100	Tinplate scrap, except tin cans, old, crushed	
601300	Tinplate circles, strips, coils, and scroll-shear butts	
601550	Re-rolling rails	19
	Steel ingots, blooms, billets, slabs, sheet bars, tinplate bars, and tube rounds (Armco iron, ingot iron, and other iron made in steel-making furnaces included):	
601605	Carbon steel:	
601606	Steel ingots	7
601606	Steel billets, projectile and shell quality	8
601606	Other steel billets; and blooms and slabs	7
601609	Steel sheet bars, and tinplate bars	7
	Alloy steel (stainless included):	
601705	Steel ingots	24
601705	Steel ingots, stainless	40
601706	Steel billets, projectile and shell quality, alloy, except stainless	25
601706	Other steel billets; and blooms and slabs (rolled or forged)	24
601706	Other steel billets; and blooms and slabs, stainless	40
601709	Steel sheet bars, and tinplate bars, except stainless	24
601709	Steel sheet bars, stainless	40
	Tube rounds (carbon, alloy, and stainless):	
601800	Carbon	7
601800	Alloy, except stainless	24
601800	Stainless	40
	Iron and steel bars and rods (include bar size shapes):	
602010	Steel bars, cold-finished:	
	Die steel bars, carbon steel	9
602010	Other carbon steel bars	9
602050	Stainless	41
602090	Alloy, except stainless	26
602100	Iron bars	10
602200	Concrete reinforcement bars (deformed and twisted bars only)	10

Dept. of Commerce Schedule B No.	Commodity	OIT ref. code to CMP commodities
	<i>Steel mill products—Con.</i>	
	Iron and steel bars and rods (include bar size shapes)—Continued.	
	Steel bars, cold-finished—Continued.	
	Other steel bars and rods (hot-rolled):	
602300	Die steel bars, carbon steel	10
602300	Steel bars, projectile and shell quality	11
602300	Other carbon steel bars	10
602500	Stainless steel	42
602600	Alloy steel bars, hot-rolled, projectile and shell quality	28
602600	Other alloy steel bars, except stainless (report stainless in 602-500)	27
	Wire rods (for further manufacture):	
602900	Wire rods, carbon steel	21
602900	Wire rods, alloy steel, except stainless	27
602900	Wire rods, stainless	47
	Plates including boiler except fabricated:	
	Carbon steel:	
603120	Hot-rolled	15
603130	Cold-rolled	15
603140	Stainless steel:	
603160	Hot-rolled	45
	Cold-rolled	45
	Alloy steel, except stainless:	
	Hot-rolled	32
	Cold-rolled	32
	Skelp iron and steel	7
	Iron and steel sheets, galvanized:	
603350	Galvanized iron culverts and sections	
603390	Galvanized iron sheets, including culvert sheets	17
603450	Galvanized steel culverts, and sections	17
603490	Galvanized steel sheets, including culvert sheets	
	Steel sheets, black, ungalvanized (include enameled, lacquered, or painted):	
	Carbon steel:	
603520	Hot-rolled	16
603530	Cold-rolled	16
	Stainless steel:	
603540	Hot-rolled	46
603560	Cold-rolled	46
	Alloy steel, except stainless:	
603570	Hot-rolled	34
603580	Cold-rolled	34
603595	Electrical (steel) sheet and strip, except transformer grades	34
603595	Electrical (steel) sheet and strip, transformer grades only	34
603600	Iron sheets, black (including enameled, lacquered, and painted)	16
	Strip, hoop, band, and scroll, iron and steel (including enameled, lacquered, and painted):	
603710	Cold-rolled carbon steel, gilding metal clad	17
603710	Cold-rolled carbon steel, except gilding metal clad	16
603750	Cold-rolled stainless steel	46
603790	Cold-rolled alloy steel, except stainless	34
603810	Hot-rolled carbon steel, gilding metal clad	16
603810	Hot-rolled carbon steel, except gilding metal clad	16
603850	Hot-rolled stainless steel	46
603890	Hot-rolled alloy steel, except stainless	34
	Tinplate:	
	Waste-waste tinplate	
604110	Tinplate, hot-dipped	18
604150	Tinplate, electrolytic	18
604170	Tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced, excluding lithographic misprints	18
604200	Template (long terms included)	18

* Armor plate, classified in Schedule B Nos. 603120, 603130, 603170, and 603180, requires export authorization from the Department of State (see § 370.5, Note 1).

[5th Gen. Rev. of Export Reg., Amdt. P. L. 58]¹

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 Appendix A—Positive List of Commodities is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	OIT ref. code to CMP commodities
	Copper base alloys and manufactures (includes brass and bronze)—Continued	
645300	Brass and bronze pipes and tubes (pipe coils included)	56
645430	Brass and bronze pipe fittings	
645600	Plumbers brass goods (specify by name)	
645700	Bare wire, phosphor bronze and bare wire, brass and bronze	54
645700	Wire, insulated, brass and bronze	57
645700	Welding rods and electrodes, brass and bronze	
646900	Hardware, brass and bronze, n. e. s. (specify by name)	
647901	Brass and bronze diestocks, shims, bearings and bushings	
647913	Brass and bronze castings and forgings	58
647958	Brass and bronze manufactures, n. e. s., in following forms (copper content) (specify by name):	
	Dutch Metal powder	
	Gilding powder	
	Gold bronze powder	59
	Metallic powder	
	Powder	
647958	Other brass and bronze manufactures, n. e. s. (specify by name)	
661505	Beryllium metals, alloys & scrap in the following forms (copper content) (specify by name):	
	Beryllium copper rods, bars, shapes, wire	54
	Beryllium copper strips, sheets, plates	55
	Beryllium powder	59
661505	Other beryllium metals, alloys & scrap	
661505	Metal & metal composition manufactures, n. e. s. in following forms (copper content) (specify by name):	
	Beryllium alloy castings	58
	Beryllium alloy tubes	56
	Phosphor copper powder	59
	Cupro-nickel strips	55
	Cupro-nickel wire	54
	Copper nickel wire	54
	Nickel silver wire	54
	Dumet wire—copper clad steel wire	57
	Thermocouple wire	57
	Wire, cuprous, copper & nickel, resistance	57
661505	Other metal & metal composition manufactures, n. e. s.	
661000	Nickel silver, or german silver in following forms (copper content) (specify by name):	
	Bars	54
	Rods	54
	Sheet	55
661000	Nickel silver, or german silver, crude or scrap	
709810	Building wire and cable	57
709830	Weatherproof and slow burning wire	57
709850	Insulated copper wire, n. e. s. (specify by name)	57

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
547290	Graphite, natural: Other natural graphite ¹	Lb.	MINL	100	FO
547800	Carbon or graphite products (natural and artificial): Lighting carbons	No.	FILM	25	RO

¹ Amorphous graphite and crystalline graphite are presently on the Positive List under Schedule B Nos. 547210 and 547220, respectively.

This part of the amendment shall become effective as of 12:01 a. m., August 21, 1951.

2. The following are changed from R to RO commodities:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
547210	Graphite, natural: Amorphous	Lb.	MINL	100	FO
547220	Crystalline flake, lump, or chip	Lb.	MINL	100	FO
548050	Carbon or graphite products (natural and artificial): Graphite retorts and stoppers	No.	MINL	100	FO

This part of the amendment shall become effective as of 12:01 a. m., August 21, 1951.

3. The following revisions are made in commodity descriptions. These revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
547300	Carbon or graphite products (natural and artificial): Carbon or artificial graphite electrodes 3/4 inch up to, but not including, 1 inch in cross-sectional dimension, for furnace or electrolytic work. ¹	Lb.	MINL	25	FO
547300	Carbon electrodes, 1 inch and over in cross-sectional dimension, for furnace or electrolytic work. ¹	Lb.	MINL	None	RO
547300	Artificial graphite electrodes, 1 inch and over in cross-sectional dimension, for furnace or electrolytic work. ¹	Lb.	MINL	None	RO
548098	Carbon or artificial graphite electrodes, other than for furnaces or electrolytic work, 3/4 inch up to, but not including, 1 inch in cross-sectional dimension (report electrodes for furnaces or electrolytic work in 547300). ²	Lb.	MINL	25	RO
548098	Carbon electrodes, other than for furnace or electrolytic work, 1 inch and over in cross-sectional dimension (report electrodes for furnace or electrolytic work in 547300). ²	Lb.	MINL	None	RO
548098	Artificial graphite electrodes, other than for furnace or electrolytic work, 1 inch and over in cross-sectional dimension (report electrodes for furnace or electrolytic work in 547300). ²	Lb.	MINL	None	RO
548098	Carbon products n. e. s. (specify by name) ³	Lb.	MINL	100	RO
548098	Graphite products, (including artificial) n. e. s. (specify by name). ⁴	Lb.	MINL	None	RO

¹ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).² The above 3 entries are substituted for the present 2 entries on the Positive List under Schedule B No. 547300. The effect of these amendments is: To change from R to RO control electrodes 3/4 inch up to, but not including, 2 inches in cross-sectional dimension; to reduce the GLV dollar-value limit for electrodes 1 inch up to 2 inches in cross-sectional dimension from \$25 to none; and to add electrodes 1 inch up to 2 inches in cross-sectional dimension to the commodities excepted from the provisions of General In-Transit License GIT.³ The above 3 entries are substituted for the last 2 entries presently on the Positive List under Schedule B No. 548098. The effect of these amendments is: To change from R to RO control electrodes 3/4 inch up to, but not including, 2 inches in cross-sectional dimension; to reduce the GLV dollar-value limit for electrodes 1 inch up to 2 inches in cross-sectional dimension from \$25 to none; and to add electrodes 1 inch up to 2 inches in cross-sectional dimension to the commodities excepted from the provisions of General In-Transit License GIT.⁴ The above 2 entries are substituted for the third entry presently on the Positive List under Schedule B No. 548098. The effect of these amendments is: To extend the Positive List coverage which presently covers carbon or artificial graphite plates to include carbon or graphite (including artificial) products, n. e. s.; increase the GLV dollar-value limit for carbon blocks, bricks and plates from \$25 to \$100; to reduce the GLV dollar-value limit for artificial graphite blocks, bricks and plates from \$25 to none; to add to the list of commodities excepted from the provisions of General In-Transit License GIT graphite (including artificial) and carbon products, n. e. s. which are not presently on the excepted list.¹ This amendment was published in Current Export Bulletin No. 634, dated August 16, 1951.

This part of the amendment shall become effective as of August 16, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.; Pub. Law 33, 82d Cong.)

LORING K. MACY,
Acting Director,
Office of International Trade.[F. R. Doc. 51-10138; Filed, Aug. 23, 1951;
8:46 a. m.]

This part of the amendment shall become effective as of 12:01 a. m., August 21, 1951.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 1, 2, and 3 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., August 21, 1951, may be exported under the previous general license provisions up to and including September 15, 1951. Any such shipment not laden aboard the exporting carrier on or before September 15, 1951, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.; Pub. Law 33, 82d Cong.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-10137; Filed, Aug. 23, 1951;
8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Rent Stabilization, Economic Stabilization Agency

[Controlled Housing Rent Reg., Amdt. 395]

[Controlled Rooms in Rooming Houses and other Establishments Rent Reg., Amdt. 389]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, MICHIGAN, AND PENNSYLVANIA

Amendment 395 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 389 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Calumet City, Chicago Heights, Des Plaines, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Arlington Heights, Brookfield, Burnham, Flossmoor, Glenview, Homewood, Kenilworth, La Grange, Lansing, Mt. Prospect, Oak Forest, Palatine, Riverdale, River Forest, South Holland, Westchester, Wheeling, Wilmette, Winnetka, and those portions of the Villages of Barrington and Steger located therein, Du Page County, except the Cities of West Chicago and Wheaton, and the Village of Glen Ellyn; Kane County, except that portion of the City of Elgin located therein; and Lake County, except the City of Lake Forest, the Village of Deerfield, and that portion of the Village of Barrington located therein.

This decontrols the Village of Homewood in Cook County, Illinois, a portion

of the Chicago, Illinois, Defense-Rental Area.

2. Schedule A, Item 86, is amended to describe the counties in the Defense-Rental Area as follows:

Will County, except the Village of Crete, and that portion of the Village of Steger located therein.

This decontrols the Village of Crete in Will County, Illinois, a portion of the Joliet, Illinois, Defense-Rental Area.

3. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Farmington, Ferndals, Hazel Park, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Belleville, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Lincoln Park and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, (iii) that portion of the Village of Northville located in Wayne County, and (iv) the Townships of Canton and Grosse Ile; and Macomb County, except the City of Mount Clemens, the Village of Fraser, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

This decontrols the Township of Grosse Ile in Wayne County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

4. Schedule A, Item 267, is amended to describe the counties in the Defense-Rental Area as follows:

Allegheny County, except the Boroughs of Bethel, Elizabeth and Rosslyn Farms, and the Townships of Crescent, Mount Lebanon and Ohio; Armstrong County; Beaver County; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

This decontrols the Township of Ohio in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective August 24, 1951.

Issued this 21st day of August 1951.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 51-10168; Filed, Aug. 23, 1951;
8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 23]

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. Section 1670.1 is amended to read as follows:

§ 1670.1 *Establishment.* The provisions of the regulations in this part shall govern the administration, preservation, custody, use, and availability of all records which are now in or may hereafter be placed in Federal record depots and shall include (a) all such records obtained under the Selective Training and Service Act of 1940, as amended, (b) all such records obtained under Public Law 26, 80th Congress, and (c) any such records obtained under title I of the Universal Military Training and Service Act, as amended, as are designated by the Director of Selective Service.

2. Section 1670.5 is amended to read as follows:

§ 1670.5 *Confidential records.* All records obtained under the Selective Training and Service Act of 1940, as amended, Public Law 26, 80th Congress, and title I of the Universal Military Training and Service Act, as amended, which are in Federal record depots of the several State Headquarters for Selective Service and the information contained in such records shall be confidential, and shall not be available in any manner or used for any purpose except as provided by the regulations in this part.

3. Paragraph (a) of § 1670.6 is amended to read as follows:

§ 1670.6 *"Registrant" and "registrant's file" defined.* (a) When used in the regulations in this part, the term "registrant" shall be deemed to mean a person who registered under the provisions of the Selective Training and Service Act of 1940, as amended, or title I of the Universal Military Training and Service Act of 1940, as amended, or title I of the Universal Military Training and Service Act, as amended, whose cover sheet is in a Federal record depot.

4. Subparagraphs (1) and (3) of paragraph (a) of § 1670.8 are amended to read as follows:

§ 1670.8 *Availability and use of confidential records and information.*
(a) * * *

(1) The registrant, or any person having written authority signed by the registrant.

(3) All personnel of the Selective Service System while engaged in the administration of title I of the Universal Military Training and Service Act, as amended, or Public Law 26, 80th Congress.

5. Paragraph (a) of § 1670.17 is amended to read as follows:

§ 1670.17 *Subpena of records.* (a) In the prosecution of a registrant or any other person for a violation of the Selective Training and Service Act of 1940, as amended, or of Public Law 26, 80th Congress, or of title I of the Universal Military Training and Service Act, as amended, or any regulations issued under any of said laws, or any orders or directions made pursuant to any such laws or regulations, or in any Federal court proceeding arising out of the Selective Training and Service Act of 1940, as amended, or Public Law 26, 80th Congress, or title I of the Universal Military Training and Service Act, as amended, all records of the registrant may be produced in response to the subpoena or summons of the court in which such prosecution or proceeding is pending.

6. Amend subparagraphs (11) and (19) and add new subparagraphs (21) and (22) to paragraph (b) of § 1670.31 to read as follows:

§ 1670.31 *Supplying information to Federal agencies and officials.* * * *

(b) * * *

(11) *Treasury Department.* The Treasury Department may obtain such information upon the request of (i) the Secretary of the Treasury, (ii) the Commissioner of Customs, (iii) the Chief, United States Secret Service, (iv) the Chief, a Special Agent in Charge, or a Special Agent, Intelligence Unit, Bureau of Internal Revenue, (v) the Commissioner, Bureau of Narcotics, (vi) the Deputy Commissioner, Alcohol Tax Unit, (vii) a Supervising Customs Agent, (viii) a Special Agent, Secret Service, (ix) a District Supervisor, Bureau of Narcotics, (x) a District Supervisor, Alcohol Tax Unit, Bureau of Internal Revenue, (xi) an Internal Revenue Agent in Charge, (xii) a Collector of Internal Revenue, (xiii) a Deputy Collector of Internal Revenue, or (xiv) a Special Representative of the Office of the Chief Coordinator, Treasury Enforcement Agencies.

(19) *Department of the Air Force.* The Department of the Air Force may obtain such information upon the request of (i) the Administrative Assistant to the Secretary of the Air Force, (ii) the Air Adjutant General, (iii) the Chief of the Personnel Records Service, Office of the Air Adjutant General, (iv) the Director, Procurement and Industrial Planning, Office of Deputy Chief of Staff, Matériel, (v) the Air Provost Marshal, the Chief of the Office of Special Investigations, or the District Commander of an Office of Special Investigations District Office, Office of the Inspector General, (vi) the Judge Advocate General, United States Air Force, (vii) the Chief of Air Force Chaplains, (viii) the Chief of the Professional Division or the Chief of the Medical Personnel Division, Office of the Air Surgeon, (ix) the Director of Military Personnel, Office of Deputy Chief of Staff, Personnel, (x) the Director, Procurement and Industrial Planning, Headquarters, Air Matériel Command, (xi) the Commanding General or the Direc-

tor of Personnel, Continental Air Command, (xii) the Commanding General, Air Training Command, (xiii) the Commanding General, First Air Force, (xiv) the Commanding General, Fourth Air Force, (xv) the Commanding General, Tenth Air Force, or (xvi) the Commanding General, Fourteenth Air Force.

(21) *Economic Stabilization Agency.* The Economic Stabilization Agency may obtain such information upon the request of (i) the Administrator, (ii) a Security Officer, (iii) an Assistant Security Officer, or (iv) an Investigator.

(22) *Office of Price Stabilization.* The Office of Price Stabilization may obtain such information upon the request of (i) the Administrator, (ii) the Director of Enforcement, or (iii) a District Enforcement Officer.

7. Subparagraphs (30), (33), and (48) of paragraph (b) of § 1670.32 are amended to read as follows:

§ 1670.32 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* * * *

(b) * * *

(30) *State of New Hampshire.* The officials of the State of New Hampshire authorized to obtain such information are (i) the Adjutant General, (ii) the Director, Division of Employment Security, (iii) the Commissioner, State Department of Public Welfare, (iv) the Health Officer, State Department of Health, (v) the Superintendent, State Department of Hospitals, (vi) the Director of Probation, State Department of Probation, (vii) the Director, State Veterans' Council, (viii) the Chairman, the Secretary, and the Commissioners, State Tax Commission, and (ix) the Superintendent of State Police.

(33) *State of New York.* The officials of the State of New York and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Executive Officer of the Adjutant General's Office, (iv) the Executive Director and the Chief Investigator, Division of Placement and Unemployment Insurance, (v) the Commissioner and the Parole District Supervisors, Division of Parole, (vi) the State Director, the Deputy State Director, the Director of Research Training, the Counsel to the Division, the Special Counsel, New York City, the Area Veteran Director, Albany, the Area Veteran Director, Buffalo, and the Area Veteran Director, New York City, Division of Veterans' Affairs, (vii) the Director, Bureau of Research, Division of Housing, (viii) the Chief Inspector, Division of State Police, (ix) the Deputy Commissioner in Charge of the Division of the Treasury and the Bonus Claims Administrative Supervisor, Division of the Treasury, Department of Taxation and Finance, (x) the Deputy Commissioner for Welfare and Medical Care, Department of Social Welfare, (xi) the Assistant Commissioner, Department of Mental Hygiene, (xii) the First Deputy Industrial Commis-

sioner and the Associate Personnel Administrator, Department of Labor, (xiii) the Senior Civil Service Investigator, State Civil Service Commission, (xiv) a County Commissioner of Welfare or a Deputy County Commissioner of Welfare, Department of Public Welfare, (xv) a Commissioner or an Investigator, New York State Crime Commission, (xvi) the District Attorney, New York County, (xvii) the Chief Investigator and the Investigators, Office of the District Attorney, New York County, (xviii) the District Attorney and the Chief Assistant to the District Attorney, Queens County, (xix) the Investigator, Abandonment Bureau, Office of the District Attorney, Queens County, (xx) the District Attorney, the Assistant District Attorney in Charge of the Homicide Division, and the Assistant District Attorney in Charge of Abandonments, Kings County, (xxi) the Acting Chief Clerk, Office of the District Attorney, Kings County, (xxii) the District Attorney, Bronx County, (xxiii) the District Attorney, Richmond County, (xxiv) the Director of the Manhattan Borough Office, the Director of the Bronx-Queens Borough, Office, the Director of the Brooklyn-Richmond Borough Office, the Director of Children's Placement Services, and the Director of the Day Care Program, New York City Department of Welfare, (xxv) the Commissioner, New York City Department of Hospitals, (xxvi) the Corporation Counsel, the Acting Corporation Counsel, and the Chief Clerk, New York City Department of Law, (xxvii) the Special Assistant Corporation Counsel, in Charge, and the Chief Examiner of the City of New York Law Department, Torts-Trial Division, New York City Transit System, (xxviii) the Chief, Bureau of Investigation, New York City Civil Service Commission, (xxix) the Chief Inspector, the Chief of Detectives, and the Commanding Officer of the Police Academy, New York City Police Department, (xxx) the Executive Director of Veterans' Activities, Manhattan, and the Executive Director of Veterans' Activities, Brooklyn, New York City Veterans' Service Centers, and (xxxi) the Chief of Personnel, New York City Housing Authority.

(48) *State of Virginia.* The officials of the State of Virginia and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) a Commissioner, Unemployment Compensation Commission, (iv) the Superintendent of the Division of Inspection, Alcoholic Beverage Control Board, (v) the Superintendent of Public Instruction, Department of Education, (vi) the Chief of the Bureau of Investigation and Records and a Division Commander, Virginia State Police, (vii) the Director, World War II History Division, Virginia State Library, (viii) the Chairman, Veterans' Reemployment Rights Committee, and (ix) the Chief of Police, City of Richmond.

(Secs. 6, 7, 61 Stat. 32; sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. Sup. 326, 327, 460)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

AUGUST 21, 1951.

[F. R. Doc. 51-10136; Filed, Aug. 23, 1951;
8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes [Regulations 21]

PART 191—IMPORTATION OF DISTILLED SPIRITS, WINES, AND FERMENTED LIQUORS

Preamble. 1. These regulations, "Regulations 21, Importation of Distilled Spirits, Wines, and Fermented Liquors" (26 CFR Part 191) are a republication of Regulations 21, 1940 edition (26 CFR Part 191, 5 F. R. 4123) and all amendments and modifications thereof through November 30, 1950.

2. These regulations consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. These regulations shall, on and after December 1, 1950, supersede Regulations 21 (26 CFR Part 191, 5 F. R. 4123); Treasury Decision 5106 (7 F. R. 179); Treasury Decision 5321 (9 F. R. 253); Treasury Decision 5628 (13 F. R. 3606); Treasury Decision 5640 (13 F. R. 3733); Treasury Decision 5647 (13 F. R. 4479); Treasury Decision 5694 (14 F. R. 1490); Treasury Decision 5724 (14 F. R. 4903); and Treasury Decision 5783 (15 F. R. 1841).

4. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

5. It is found that compliance with the notice and public rule-making procedure and effective date limitations of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the issuance of the regulations in this part for the reason that the changes made are of a technical and clarifying nature and do not adversely affect the legitimate industry.

LAW OF MORE COMMON APPLICATION PERTAINING TO THE IMPORTATION OF DISTILLED SPIRITS, WINES, AND FERMENTED LIQUORS

- 5 U. S. C. 22 Departmental Regulations.
- 26 U. S. C. 1650 War tax rates of certain miscellaneous taxes.
- 26 U. S. C. 2800 Tax [distilled spirits and perfumes]
- 26 U. S. C. 2803 Stamps for containers of distilled spirits.
- 26 U. S. C. 2806 Penalties and forfeitures.
- 26 U. S. C. 2857 Books of rectifiers and wholesale dealers.

- 26 U. S. C. 2858 Exemption of States from provisions of section 2857.
- 26 U. S. C. 2866 Effacement of stamps and brands on emptied packages.
- 26 U. S. C. 2871 Regulation of traffic in containers of distilled spirits.
- 26 U. S. C. 3030 Tax [wines, liqueurs, cordials, etc.].
- 26 U. S. C. 3150 Tax [fermented liquors].
- 26 U. S. C. 3170 Transfer and delegation of powers.
- 26 U. S. C. 3171 Records, statements, and returns.
- 26 U. S. C. 3176 Rules and regulations.
- 26 U. S. C. 3250 Tax [special (occupational)].
- 26 U. S. C. 3254 Definitions [liquor dealers].
- 26 U. S. C. 3270 Registration.
- 26 U. S. C. 3271 Payment of tax.
- 26 U. S. C. 3272 Returns.
- 26 U. S. C. 3273 Stamps.
- 26 U. S. C. 3274 Penalties relating to posting of special tax stamp.

REGULATIONS GOVERNING THE IMPORTATION OF DISTILLED SPIRITS, WINES, AND FERMENTED LIQUORS

SUBPART A—SCOPE OF REGULATIONS

- Sec.
- 191.1 Imported distilled spirits, wines, and fermented liquors.
- SUBPART B—DEFINITIONS
- 191.5 Meaning of terms.
- 191.6 Bottler.
- 191.7 Commissioner.
- 191.8 Container.
- 191.9 Distilled spirits.
- 191.10 District supervisor or supervisor.
- 191.11 Fermented liquor.
- 191.12 Importer.
- 191.13 Including.
- 191.14 Inclusive language.
- 191.15 I. R. C.
- 191.16 Person.
- 191.17 Red strip stamps.
- 191.18 United States.
- 191.19 U. S. C.
- 191.20 Wine.

SUBPART C—SPECIAL (OCCUPATIONAL) TAXES

- 191.30 Liquor dealers' special taxes.
- 191.31 Warehouse receipts covering distilled spirits.

SUBPART D—TAX ON IMPORTED DISTILLED SPIRITS, WINES, FERMENTED LIQUORS, AND IMPORTED PERFUMES CONTAINING DISTILLED SPIRITS

DISTILLED SPIRITS AND PERFUMES

- 191.40 Distilled spirits.
- 191.41 Perfumes containing distilled spirits.

WINES

- 191.42 Still wines.
- 191.43 Sparkling wines.
- 191.44 Wines containing over 24 per centum of alcohol.

LIQUEURS, CORDIALS, AND OTHER COMPOUNDS AND PREPARATIONS

- 191.45 Liqueurs, cordials, and similar compounds.
- 191.46 Other compounds and preparations.

FERMENTED LIQUORS

- 191.47 Rate of tax.
- 191.48 Computation of tax.
- 191.49 Tolerance for containers.

COLLECTION OF INTERNAL REVENUE TAXES

- 191.50 Imported distilled spirits, wines, and fermented liquors.

SUBPART E—GENERAL REQUIREMENTS

PERMIT FOR IMPORTATION OF DISTILLED SPIRITS AND WINES

- Sec.
- 191.60 Federal Alcohol Administration Act permit.

MARKING AND STAMPING OF DISTILLED SPIRITS

- 191.61 Containers of 1 gallon or less.
- 191.62 Containers in excess of 1 gallon.

LABELING OF DISTILLED SPIRITS

- 191.63 Containers of 1 gallon or less.
- 191.64 Containers in excess of 1 gallon.

MARKING, STAMPING, AND LABELING OF WINES AND FERMENTED LIQUORS

- 191.65 Wines.
- 191.66 Fermented liquors.

RED STRIP STAMPS FOR CONTAINERS OF DISTILLED SPIRITS

- 191.67 Containers of distilled spirits to bear red strip stamps.
- 191.68 Persons authorized to affix red strip stamps.
- 191.69 Denominations of red strip stamps.
- 191.70 Requisition, Form 428.
- 191.71 Statement, Form 1627.
- 191.72 Approval of requisition.
- 191.73 Purchase of red strip stamps.
- 191.74 Overprinting of red strip stamps.
- 191.75 Manner of affixing red strip stamps.
- 191.76 Concealing or obscuring red strip stamps.
- 191.77 Affixing red strip stamp over cup or cap.
- 191.78 Exportation of imported distilled spirits; red strip stamps.

EXEMPTIONS

- 191.79 Exemption from stamping, marking, bottling, and labeling requirements.

SUBPART F—RED STRIP STAMPS TO BE AFFIXED IN A FOREIGN COUNTRY

- 191.85 Conditions.
- 191.86 Requisition, Form 428.
- 191.87 Approval of requisition.
- 191.88 Sale and overprinting of red strip stamps.
- 191.89 Marking of cases.
- 191.90 Endorsement of warehouse and consumption entries.
- 191.91 Credit of red strip stamps against requisition on arrival of distilled spirits at specified port.
- 191.92 Credit of red strip stamps against requisition on diversion of spirits to other than specified port.
- 191.93 Irregularities or discrepancies in shipments.
- 191.94 Unused red strip stamps.
- 191.95 Credit for red strip stamps affixed to containers returned to a foreign bottler or exporter.
- 191.96 Credit for red strip stamps affixed to containers diverted by the importer for exportation.
- 191.97 Breach of regulations, or failure to use red strip stamps.

SUBPART G—RED STRIP STAMPS AFFIXED UNDER CUSTOMS SUPERVISION BY BOTTLER IN A FOREIGN COUNTRY

- 191.105 Conditions.
- 191.106 Assignment of customs officer.
- 191.107 Custody of red strip stamps.
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- 191.165 Exchange and redemption of stamps.
191.166 Disposition of strip stamps.

AUTHORITY: §§ 191.1 to 191.166 issued under 53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Statutory provisions interpreted or applied are cited to the text in parentheses.

DERIVATION: §§ 191.1 to 191.166 contained in Regulations 21, 1940 edition (26 CFR Part 191; 5 F. R. 4123) except as noted following sections affected.

CROSS REFERENCE: For regulations with respect to distilled spirits, wines, and fermented liquors arriving in the United States from Puerto Rico and the Virgin Islands see Regulations 24 (26 CFR Part 180).

LAWS OF MORE COMMON APPLICATION PERTAINING TO THE IMPORTATION OF DISTILLED SPIRITS, WINES, AND FERMENTED LIQUORS¹

5 U. S. C. 22 DEPARTMENTAL REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers and property appertaining to it.

26 U. S. C. 1650 WAR TAX RATES OF CERTAIN MISCELLANEOUS TAXES. In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period beginning with the effective date of title III of the Revenue Act of 1943 shall be the rates set forth under the heading "War Tax Rate":

Section	Description of tax	Old rate	War tax rate
2800 (a) (1)	Distilled spirits	\$6 per gallon	\$9 per gallon.
2800 (a) (3)	Imported perfumes containing distilled spirits.	do	Do.
3030 (a) (1)	Still wines:		
	(1) Not over 14 percent of alcohol.	10 cents per gallon	15 cents per gallon.
	(2) Over 14 percent and not over 21 percent of alcohol.	40 cents per gallon	60 cents per gallon.
	(3) Over 21 percent and not over 24 percent of alcohol.	\$1 per gallon	\$2 per gallon.
3030 (a) (2)	Sparkling wines, liqueurs, and cordials:		
	(1) Champagne or sparkling wine.	10 cents per half-pint or fraction thereof.	15 cents per half-pint or fraction thereof.
	(2) Artificially carbonated wine.	5 cents per half-pint or fraction thereof.	10 cents per half-pint or fraction thereof.
	(3) Liqueurs, cordials, etc.	do	Do.
3150	Fermented malt liquors	\$7 per barrel	\$8 per barrel.

26 U. S. C. 2800 TAX [DISTILLED SPIRITS AND PERFUMES].

(a) *Rate*—(1) *Distilled spirits generally*. There shall be levied and collected on all distilled spirits in bond or produced in or imported into the United States an internal revenue tax at the rate of \$6.00 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the distiller or importer when withdrawn from bond.

(A) *Payment of tax as to domestic spirits*. The tax on distilled spirits produced in the United States, to be paid upon withdrawal from bond, and the tax on rectified spirits produced in the United States, shall be paid by stamp, under such rules and regulations, permits, bonds, records, and returns, and with the use of such tax-stamp machines or other devices and apparatus, including but

¹ The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

not limited to storage, gaging, and bottling tanks and pipe lines, as the Commissioner with the approval of the Secretary shall prescribe.

(B) *Penalties*. Whoever manufactures, procures, possesses, uses, or tampers with a tax-stamp machine which may be required under this section with intent to evade the internal-revenue tax imposed upon distilled spirits and rectified spirits, and whoever, with intent to defraud, makes, alters, simulates, or counterfeits any stamp of the character imprinted by such stamp machines, or who procures, possesses, uses, or sells any forged, altered, counterfeited, or simulated tax stamp, or any plate, die, or device intended for use in forging, altering, counterfeiting, or simulating any such stamps, or who otherwise violates the provisions of this section, or the regulations issued pursuant thereto, shall pay a penalty of \$5,000 and shall be fined not more than \$10,000 or be imprisoned not more than five years, or both, and any machine, device, equipment, or materials used in violation of this section shall

be forfeited to the United States and after condemnation shall be destroyed. But this provision shall not exclude any other penalty or forfeiture provided by law.

(2) *Products of distillation containing distilled spirits*. All products of distillation, by whatever name known, which contain distilled spirits or alcohol, on which the tax imposed by law has not been paid, shall be considered and taxed as distilled spirits.

(3) *Imported perfumes containing distilled spirits*. There shall be levied and collected upon all perfumes imported into the United States containing distilled spirits, a tax of \$6.00 per wine gallon, and a proportionate tax at a like rate on all fractional parts of such wine gallon. Such tax shall be collected by the collector of customs and deposited as internal revenue collections, under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

(6) *Wines containing more than 24 percent of absolute alcohol*. For taxation as distilled spirits of wines containing more than 24 per centum of absolute alcohol by volume, see section 3030 (a) (1).

(7) *Special taxes*. For special taxes, see section 3250.

(8) *Transfer of duties*. For transfer of powers and duties of Commissioner and his agents, see section 3170.

(f) *Collection of tax on imported distilled spirits*. The internal revenue tax imposed by paragraphs (1) and (2) of subsection (a) upon distilled spirits imported into the United States shall, under regulations prescribed by the Commissioner, with the approval of the Secretary, be collected and deposited in the same manner as other internal revenue taxes, except that such collection and depositing shall be by the collector of customs instead of by the collector of internal revenue. Such tax shall be in addition to any customs duty imposed under the Tariff Act of 1930, 46 Stat. 590, or any subsequent Act. Distilled spirits smuggled or brought into the United States unlawfully shall, for the purpose of this subsection and paragraphs (1) and (2) of subsection (a), be held to be imported into the United States. Section 2805 shall be applicable to the disposition of imported spirits.

26 U. S. C. 2803 STAMPS FOR CONTAINERS OF DISTILLED SPIRITS.

(a) *Requirement*. No person shall transport, possess, buy, sell, or transfer any distilled spirits, unless the immediate container thereof has affixed thereto a stamp denoting the quantity of distilled spirits contained therein and evidencing payment of all internal-revenue taxes imposed on such spirits. The provisions of this section shall not apply to—

(1) Distilled spirits placed in a container for immediate consumption on the premises or for preparation for such consumption;

(2) Distilled spirits in bond or in customs custody;

(3) Distilled spirits in immediate containers required to be stamped under existing law;

(4) Distilled spirits in actual process of rectification, blending, or bottling, or in actual use in processes of manufacture;

(5) Distilled spirits on which no internal-revenue tax is required to be paid;

(6) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale; or

(7) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(b) *Purchase and supply*. Any person placing or intending to place any distilled spirits upon which all internal-revenue taxes

have been paid into any container upon which a stamp is required by this section, or withdrawing or intending to withdraw any imported spirits in such containers from customs custody, shall be entitled to purchase sufficient stamps for stamping such containers. Such stamps shall be issued by the Commissioner to each Collector, upon his requisition, in such numbers as may be necessary in his district, and shall be sold by the Collectors to persons entitled thereto upon application therefor and compliance with regulations under this section, at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one half pint the price shall be one quarter of 1 cent for each stamp. When in his judgment there is no danger to the revenue, and upon the giving of such bonds or other security as he may deem necessary, the Commissioner may authorize the sale of such stamps to importers for stamping containers in the country from which imported.

(c) *Unused stamps; exchange, refund, etc.* The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused stamps issued under section 203 of the Liquor Taxing Act of 1934 or subsection (b) of this section by exchanging them for other stamps of the same kind or by refunding moneys received therefor: *Provided*, That stamps may be exchanged or the value thereof refunded only in quantities of the value of \$5 or more: *And provided further*, That no claim for the exchange of strip stamps or refund therefor shall be allowed unless presented within two years after the date on which such stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision.

(d) *Regulations for issuing, affixing, and canceling stamps.* The Commissioner, with the approval of the Secretary, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying stamps required by this section, the form and denominations of such stamps, proof that applicants are entitled to such stamps, and the method of accounting for receipts from the sale of such stamps, and (b) such other regulations as he shall deem necessary for the enforcement of this section.

(e) *Destruction of stamps.* Every person emptying any container stamped under the provisions of this section shall at the time of emptying such container destroy the stamp thereon.

(f) *Forfeiture of spirits.* All distilled spirits found in any container required to bear a stamp by this section, which container is not stamped in compliance with this section and regulations issued thereunder, shall be forfeited to the United States.

(g) *Penalties.* Any person who violates any provision of this section, or who, with intent to defraud, falsely makes, forges, alters, or counterfeits any stamp made or used under this section, or who uses, sells, or has in his possession any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the manufacture thereof, or any stamp required to be destroyed by this section, or who makes, uses, sells, or has in his possession any paper in imitation of the paper used in the manufacture of any such stamp, or who reuses any stamp required to be destroyed by this section, or who places any distilled spirits in any bottle which has been filled and stamped under this section without destroying the stamp previously affixed to such bottle, or who affixes any stamp issued under this section to any container of distilled spirits on which any tax due is unpaid, or who makes any false statement in any application for stamps under this section, or who has in his possession any such stamps obtained by him

otherwise than as provided in subsection (b), shall on conviction be punished by a fine not exceeding \$1,000, or by imprisonment at hard labor not exceeding five years, or by both. Any officer authorized to enforce any provisions of law relating to internal revenue stamps is authorized to enforce the provisions of this section and the provisions of section 2909 relating to the bottling of distilled spirits in bond.

(h) *Transfer of duties.* For transfer of duties and powers of the Commissioner and his agents, see section 3170.

26 U. S. C. 2806 PENALTIES AND FORFEITURES.

(d) *Forfeiture of distilled spirits in unstamped casks or packages.* All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States.

26 U. S. C. 2857 BOOKS OF RECTIFIERS AND WHOLESALE DEALERS.

(a) *Requirements.* Every rectifier and every wholesale liquor dealer who sells, or offers for sale, distilled spirits in quantities of five wine-gallons or more to the same person at the same time shall keep daily, at his place of business covered by his special tax stamp, a record of distilled spirits received and disposed of by him, and shall render under oath correct transcripts and summaries of such records: *Provided*, That the Commissioner may in his discretion require such record to be kept at the place where the spirits are actually received and sent out. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

The records required to be kept under the provisions of this section and regulations issued pursuant thereto, shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

Every rectifier and wholesale liquor dealer who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required by this chapter or by regulations issued pursuant thereto, shall pay a penalty of \$100 and, on conviction, shall be fined not less than \$100 nor more than \$5,000, and be imprisoned not less than three months nor more than three years.

Every rectifier and wholesale liquor dealer who refuses or neglects to render transcripts or summaries in the form required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than \$100 for each such neglect or refusal.

(b) *Transfer of Duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 2858 EXEMPTION OF STATES FROM PROVISIONS OF SECTION 2857. The provisions of section 2857 shall not apply to States and Commonwealths and liquor stores operated by such States and Commonwealths that maintain and make available to inspection by internal-revenue officers such records as will enable such officers to readily trace all distilled spirits received and disposed of by them: *Provided*, That such States and Commonwealths, and the liquor

stores operated by them, shall, upon the request of the Commissioner, furnish to the Commissioner, such transcripts, summaries, and copies of their records as he shall require.

26 U. S. C. 2866 EFFACEMENT OF STAMPS AND BRANDS ON EMPTIED PACKAGES. Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package bearing any mark, brand, or stamp, required by law, shall at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal revenue, wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed on any cask or package containing distilled spirits, shall forfeit \$300 for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same, shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than \$500 nor more than \$10,000, and imprisoned not less than one year nor more than five years.

26 U. S. C. 2871 REGULATION OF TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS. Whenever in his judgment such action is necessary to protect the revenue, the Secretary is authorized, by the regulation prescribed by him, and permits issued thereunder if required by him (1) to regulate the size, branding, marking, sale, resale, possession, use, and re-use of containers (of a capacity of less than five wine-gallons) designed or intended for use for the sale at retail of distilled spirits (within the meaning of such term as it is used in section 2803) for other than industrial use, and (2) to require, of persons manufacturing, dealing in, or using any such containers, the submission to such inspection, the keeping of such records, and the filing of such reports as may be deemed by him reasonably necessary in connection therewith. Whoever willfully violates the provisions of any regulation prescribed, or the terms or conditions of any permit issued, pursuant to the authorization contained in this section, and any officer, director, or agent of any corporation who knowingly participates in such violation, shall, upon conviction, be fined not more than \$1,000 or be imprisoned for not more than two years, or both; and, notwithstanding any criminal conviction, the containers involved in such violation shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for forfeitures, seizures, and condemnations for violations of the internal-revenue laws, and any such containers so seized and condemned shall be destroyed and not sold. Any requirements imposed under this sec-

tion shall be in addition to any other requirements imposed by, or pursuant to, law, and shall apply as well to persons not liable for tax under the internal-revenue laws as to persons so liable.

26 U. S. C. 3030 TAX [WINE, LIQUEURS, CORDIALS, ETC.].

(a) *Rate*—(1) *Still wines*—(A) *Imposition*. Upon all still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine, produced in or imported into the United States after June 30, 1940, or which on July 1, 1940, were on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid taxes at rates as follows, when sold, or removed for consumption or sale:

On wines containing not more than 14 per centum of absolute alcohol, 10 cents per wine gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 40 cents per wine-gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, \$1.00 per wine-gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly.

Any such wines may, under such regulations as the Commissioner may prescribe, with the approval of the Secretary, be sold or removed tax free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

The taxes imposed by this subparagraph (A) of this paragraph shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume; nor, subject to regulations prescribed by the Commissioner, with the approval of the Secretary, to wines produced for the family use of the duly registered producer thereof and not sold or otherwise removed from the place of manufacture and not exceeding in any case two hundred gallons per year.

(B) *Cross reference*. For transfer of powers and duties of Commissioner and his agents, see section 3170.

(2) *Sparkling wines, liqueurs, and cordials*. Upon the following articles which are produced in or imported into the United States, after June 30, 1940, or which on July 1, 1940 are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes imposed thereon by law prior to such date, taxes at rates as follows, when sold, or removed for consumption or sale:

On each bottle or other container of champagne or sparkling wine, 10 cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, 5 cents on each one-half pint or fraction thereof;

On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy, 5 cents on each one-half pint or fraction thereof;

Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume (except vermouth, liqueurs, cordials, and similar compounds made in rectifying plants and containing tax-paid sweet

wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

The Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back the amount of all taxes on such liqueurs, cordials, and similar compounds paid by or assessed against rectifiers at the distilled spirits rate prior to June 26, 1936.

(3) *Cross references*. For tax on the following, see the sections enumerated below:

Rectified wines, section 2800 (a) (5);
Wine spirits or grape brandy used in fortifying, section 3031;

Withdrawal of wine spirits for fortification, section 3033.

(b) *Payment*—(1) *Stamp*. The taxes imposed by paragraphs (1) and (2) of subsection (a) shall be paid by stamp on removal of the wines from the customhouse, winery, or other bonded place of storage for consumption or sale.

The Commissioner may, under regulations prescribed by him with the approval of the Secretary, issue stamps for restamping packages of wines which have been duly stamped but from which the stamps have been lost or destroyed by unavoidable accident.

(2) *Assessment*. The collection of the tax on imported still wines, including vermouth, and sparkling wines, including champagne, and on imported liqueurs, cordials, and similar compounds, may be made within the discretion of the Commissioner, with the approval of the Secretary, by assessment instead of by stamps.

(3) *Transfer of duties*. For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3150 TAX [FERMENTED LIQUORS].

(a) *Rate*. There shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one-half of 1 per centum, or more, of alcohol brewed or manufactured and sold, or removed for consumption or sale, within the United States, or imported into the United States, by whatever name such liquors may be called, a tax of \$7 for every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. Imported fermented malt liquors shall during the continuance of the war-tax rate on fermented malt liquors prescribed in section 1650, be subject to tax at such rate in lieu of the rate hereinbefore prescribed. In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel, containing less than one-eighth, shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead.

The provisions of this section requiring the accounting of hogsheads, barrels, and fractional parts of barrels at the next higher quantity shall not apply where the contents of such hogsheads, barrels, or fractional parts of barrels are within the limits of tolerance established by the Commissioner by regula-

tions which he is hereby authorized to prescribe with the approval of the Secretary; and no assessment shall be made and no tax shall be collected for any excess in any case where the contents of the hogsheads, barrels, or fractional parts of barrels heretofore or hereafter used are within the limits of the tolerance so prescribed.

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS. The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3171 RECORDS, STATEMENTS, AND RETURNS.

(a) *Requirements*. Every person liable to any tax imposed by this chapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) *Transfer of Duties*. For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3176 RULES AND REGULATIONS.

(a) *Power of Commissioner*. The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of Duties*. For transfer of powers and duties of Commissioner and his agents, see section 3170.

26 U. S. C. 3250 TAX [SPECIAL (OCCUPATIONAL)].

(a) *Wholesale dealers in liquors*—(1) *In general*. Wholesale dealers in liquors shall pay a special tax of \$110.

(3) *Retailers selling at wholesale*. Except as provided in section 3254 (c) (2), a qualified retail dealer in liquors may not sell distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time without incurring liability to special tax as a wholesale dealer in liquors.

(b) *Retail dealers in liquors*—(1) *In general*. Except as provided in paragraph (3) of subsection (e), retail dealers in liquors shall pay a special tax of \$27.50.

(4) *Wholesalers selling at retail*. A qualified wholesale dealer in liquors may not sell distilled spirits, wines, or malt liquors in quantities of less than five wine gallons without incurring liability to special tax as a retail dealer in liquors.

(d) *Wholesale dealers in malt liquors*—(1) *In general*. Wholesale dealers in malt liquors shall pay a special tax of \$55. (As amended by Revenue Act of 1941, Public Law 250 (77th Cong.).)

(2) *Retailers selling at wholesale*. A qualified retail dealer in malt liquors may not sell such liquors in quantities of five gallons or more to the same person at the same time without incurring liability to special tax as a wholesale dealer in malt liquors. No retail dealer in malt liquors shall be held to be a wholesale dealer in malt liquors solely by reason of sales of five gallons or more to the same person at the same time if such sales are for immediate consumption on the premises where sold.

(e) *Retail dealers in malt liquors*—(1) *In general.* Retail dealers in malt liquors shall pay a special tax of \$22. (As amended by Revenue Act of 1941, Public Law 250 (77th Cong.).)

(2) *Wholesalers selling at retail.* A qualified wholesale dealer in malt liquors may not sell such liquors in quantities of less than five gallons without incurring liability to special tax as a retail dealer in malt liquors.

U. S. C. 3254 DEFINITIONS [LIQUOR DEALERS].

(b) *Wholesale Dealer in Liquors.* Except as otherwise provided, every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time, shall be regarded as a wholesale dealer in liquors: *Provided*, That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "wholesale dealer in wines" or a "wholesale dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a wholesale dealer in liquors.

(c) *Retail dealer in liquors.*—Except as otherwise provided, (1) every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in less quantities than five wine-gallons to the same person at the same time, shall be regarded as a retail dealer in liquors: *Provided*, That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "retail dealer in wines" or a "retail dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a retail dealer in liquors.

(e) *Wholesale dealer in malt liquors.*—Except as otherwise provided, every person who sells, or offers for sale, malt liquors in quantities of five gallons or more, to the same person at the same time, and who does not deal in distilled spirits or wines at wholesale, shall be regarded as a wholesale dealer in malt liquors.

(f) *Retail dealer in malt liquors.* Except as otherwise provided, every person who sells, or offers for sale, malt liquors in less quantities than five gallons to the same person at the same time, and does not deal in distilled spirits or wines, shall be regarded as a retail dealer in malt liquors.

26 U. S. C. 3270 REGISTRATION.

(a) *Requirements.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

(a) *Condition Precedent to Doing Business.* No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter.

(b) *Due Date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

(c) *How Paid*—(1) *Stamp.* All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax.

(2) *Assessment.* For authority of Commissioner to make assessments where the special taxes have not been duly paid by stamp, at the time and in the manner provided by law, see section 3640.

26 U. S. C. 3272 RETURNS.

(a) *Time for filing.* It shall be the duty of the special taxpayers to render their returns with remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3634.

(c) *Penalties.* For penalties imposed for failure to file returns or for making false or fraudulent returns, see section 3612.

26 U. S. C. 3273 STAMPS.

(a) *Supply.* The Commissioner is required to procure appropriate stamps for the payment of all special taxes imposed by law, including the tax on stills or worms; and the provisions of section 2802 (a) and of sections 3300, 3301, and 3302, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco, and cigars, shall, so far as applicable, extend to and include such stamps for special taxes; and the Commissioner shall have authority to make all needed regulations relative thereto.

(b) *Posting.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax.

26 U. S. C. 3274 PENALTIES RELATING TO POSTING OF SPECIAL TAX STAMP. Any person who shall, through negligence, fail to place and keep stamps denoting the payment of the special tax as provided in section 3273 (b) shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than \$10. And where the failure to comply with the provisions of section 3273 (b) shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed: *Provided*, That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

REGULATIONS GOVERNING THE IMPORTATION OF DISTILLED SPIRITS, WINES, AND FERMENTED LIQUORS

SUBPART A—SCOPE OF REGULATIONS

§ 191.1 *Imported distilled spirits, wines, and fermented liquors.* These regulations, "Regulations 21, Importation of Distilled Spirits, Wines and Fermented Liquors" (26 CFR Part 191), contain procedural and substantive requirements relative to the importation of distilled spirits, wines, and fermented liquors into the United States from foreign countries including special (occupational) and commodity taxes, permits, marking, branding, labeling, and stamping of containers and packages, and records and reports.

DERIVATION: T. D. 5647.

NOTE: Distilled spirits, wines, and fermented liquors arriving in the United States

from Puerto Rico and the Virgin Islands are governed by the provisions of "Regulations 24, Liquors and Articles from Puerto Rico and the Virgin Islands" (26 CFR Part 180).

SUBPART B—DEFINITIONS

§ 191.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 191.6 *Bottler.* "Bottler" shall mean a distiller, rectifier, and proprietor of an internal revenue bonded warehouse, tax-paid bottling house, industrial alcohol plant, industrial alcohol bonded warehouse, or a class 8 bonded warehouse qualified under the customs laws, and an agency of the United States or any State or political subdivision thereof.

§ 191.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 191.8 *Container.* "Container" when used in connection with imported distilled spirits shall mean a liquor bottle or other authorized container of a capacity of one-half pint to 1 gallon, inclusive, conforming to Regulations 13 (26 CFR Part 175), and, in so far as red strip stamp and labeling requirements are concerned, also any container of less than one-half pint. "Container" when used in connection with imported wines shall mean any bottle, cask, or other closed receptacle, irrespective of size or of the material from which made.

§ 191.9 *Distilled spirits.* "Distilled spirits" shall mean (a) ethyl alcohol, hydrated oxide of ethyl, and spirits of wine, from whatever source derived or by whatever process produced, and (b) any alcoholic distillate fit for beverage purposes, such as whisky, brandy, gin, rum, liqueurs, cordials and bitters, and all compounds, by whatever name called, containing distilled spirits and fit for beverage purposes, but shall not include wine, as defined in § 191.20, containing 24 per centum or less of alcohol by volume.

§ 191.10 *District supervisor or supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

§ 191.11 *Fermented liquor.* "Fermented liquor" shall mean all beer, lager beer, ale, porter, and other similar fermented liquor, by whatever name such liquors may be called, containing one-half of 1 per centum, or more, of alcohol by volume, produced by the fermentation of malt, wholly or in part, or from any substitute therefor.

DERIVATION: T. D. 5647.

§ 191.12 *Importer.* "Importer" shall mean any person who imports distilled spirits, wines, or fermented liquor into the United States.

DERIVATION: T. D. 5647.

§ 191.13 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 191.14 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 191.15 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 191.16 *Person.* "Person" shall mean and include natural persons, associations, copartnerships, and corporations.

§ 191.17 *Red strip stamps.* "Red strip stamps" shall mean the stamps prescribed under authority of section 2803 (d), I. R. C.

§ 191.18 *United States.* "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 191.19 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 191.20 *Wine.* "Wine" shall mean (a) still wine, including vermouth or other aperitif wine, artificial or imitation wines or compounds sold as still wine, champagne or sparkling wine, and artificially carbonated wine, and (b) flavored or sweetened fortified or unfortified wines, by whatever name sold or offered for sale, containing not over 24 per centum of alcohol by volume.

DERIVATION: T. D. 5106.

SUBPART C—SPECIAL (OCCUPATIONAL) TAXES

§ 191.30 *Liquor dealers' special taxes.* Every person engaged in business as an importer within the meaning of the term as defined in § 191.12, who sells, or offers for sale, distilled spirits, wines, or fermented liquors, must file Form 11 with the collector of internal revenue and pay special (occupational) taxes as wholesale dealer or retail dealer in liquor, or both, or, if malt liquors only are dealt in, as wholesale malt liquor dealer, or retail malt liquor dealer, or both, in accordance with the law and regulations governing the payment of such special taxes. (Regulations 20 (26 CFR Part 194).)

(53 Stat. 373, as amended, 388, as amended, 391, 394, 395; 26 U. S. C. 3170, 3250, 3254, 3270, 3271, 3272, 3273, 3274)

DERIVATION: T. D. 5647.

§ 191.31 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person engaged in business as an importer of distilled spirits, who sells, or offers for sale, warehouse receipts for distilled spirits stored in customs bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where the warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 191.30.

(53 Stat. 373, as amended, 388, as amended, 391, 394, 395; 26 U. S. C. 3170, 3250, 3254, 3270, 3271, 3272, 3273, 3274)

DERIVATION: T. D. 5640.

SUBPART D—TAX ON IMPORTED DISTILLED SPIRITS, WINES, FERMENTED LIQUORS, AND IMPORTED PERFUMES CONTAINING DISTILLED SPIRITS

DISTILLED SPIRITS AND PERFUMES

§ 191.40 *Distilled spirits.* Distilled spirits in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of \$9 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon.

(53 Stat. 298, as amended, 373, as amended, 54 Stat. 522, as amended; 26 U. S. C. 2800, 3170, 1650)

DERIVATION: T. D. 5106.

§ 191.41 *Perfumes containing distilled spirits.* Imported perfumes containing distilled spirits are subject to an internal revenue tax, when withdrawn, at the rate of \$9 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon.

(53 Stat. 298, as amended, 373, as amended, 54 Stat. 522, as amended; 26 U. S. C. 2800, 3170, 1650)

DERIVATION: T. D. 5106.

WINES

§ 191.42 *Still wines.* All still wines, including vermouth or other aperitif wine, and all artificial or imitation wines or compounds sold as still wine, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

(a) On wines containing not more than 14 per centum of absolute alcohol, 15 cents per wine gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

(b) On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 60 cents per wine gallon;

(c) On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, \$2 per wine gallon;

(d) All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(53 Stat. 298, as amended, 347, as amended, 373, as amended, 54 Stat. 522, as amended; 26 U. S. C. 2800, 3030, 3170, 1650)

DERIVATION: T. D. 5106.

§ 191.43 *Sparkling wines.* All sparkling wines and artificially carbonated wines in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

(a) On each bottle or other container of champagne or sparkling wine, 15 cents on each one-half pint or fraction thereof;

(b) On each bottle or other container of artificially carbonated wine, 10 cents on each one-half pint or fraction thereof.

(53 Stat. 347, as amended, 373, as amended, 54 Stat. 522, as amended; 26 U. S. C. 3030, 3170, 1650)

DERIVATION: T. D. 5106.

§ 191.44 *Wines containing over 24 per centum of alcohol.* Champagne and other sparkling wines, still wines, artificially carbonated wines, and vermouth or other aperitif wine, if containing over 24 per centum of alcohol by volume, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of \$9 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon.

(53 Stat. 298, as amended, 347, as amended, 373, as amended, 54 Stat. 522, as amended; 26 U. S. C. 2800, 3030, 3170, 1650)

DERIVATION: T. D. 5106.

LIQUEURS, CORDIALS, AND OTHER COMPOUNDS AND PREPARATIONS

§ 191.45 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds, containing distilled spirits, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of \$9 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. Fortified or unfortified wines, containing not over 24 per centum of alcohol by volume, to which sweetening or flavoring materials, but no distilled spirits, have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines.

(53 Stat. 298, as amended, 347, as amended, 373, as amended, 54 Stat. 522, as amended; 26 U. S. C. 2800, 3030, 3170, 1650)

DERIVATION: T. D. 5694.

§ 191.46 *Other compounds and preparations.* Compounds and preparations, other than those specified in § 191.45, containing distilled spirits, which are fit for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rate of \$9 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. Compounds and preparations, containing fortified or unfortified wine, but no distilled spirits, which are fit for beverage purposes and which are sold as wine, are subject to internal revenue tax at the rates applicable to wines.

(53 Stat. 298, as amended, 347, as amended, 373, as amended, 54 Stat. 522, as amended; 26 U. S. C. 2800, 3030, 3170, 1650)

DERIVATION: T. D. 5694.

FERMENTED LIQUORS

§ 191.47 *Rate of tax.* All fermented liquor, as defined in § 191.11, imported into the United States, is subject to the internal revenue tax prescribed by section 3150 (a), Internal Revenue Code, for every barrel containing not more than 31 gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. The tax on fermented liquor shall be

paid by the importer when the fermented liquor is entered, or withdrawn from warehouse for consumption, in accordance with customs requirements.

(53 Stat. 365, as amended, 373, as amended, 54 Stat. 522, as amended; 26 U. S. C. 3150, 3170, 1650)

DERIVATION: T. D. 5647.

§ 191.48 Computation of tax. In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and, except as provided in § 191.49, any fractional part of a barrel, containing less than one-eighth, shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. The tax on any other quantity, as for example, bottled beer, will be computed on the basis of actual quantity at the rate prescribed by law.

(53 Stat. 365, as amended, 373, as amended; 26 U. S. C. 3150, 3170)

DERIVATION: T. D. 5647.

§ 191.49 Tolerance for containers. The provisions of § 191.48 requiring the accounting of barrels and fractional parts of barrels at the next higher quantity shall not apply where the contents of any wooden barrel containing more than 31 gallons do not exceed 31 gallons by more than one-half gallon, and a proportionate quantity as to fractional wooden containers; nor where the contents of any metal barrel containing more than 31 gallons do not exceed 31 gallons by more than one-quarter gallon, and a proportionate quantity as to fractional metal containers; and no tax shall be collected on any excess which is within the limits of such tolerance.

(53 Stat. 365, as amended, 373, as amended; 26 U. S. C. 3150, 3170)

DERIVATION: T. D. 5647.

COLLECTION OF INTERNAL REVENUE TAXES

§ 191.50 Imported distilled spirits, wines, and fermented liquors. Internal revenue taxes payable on imported distilled spirits, including perfumes containing distilled spirits, and on wines and fermented liquors, when entered, or withdrawn from warehouse, for consumption, are collected, accounted for, and deposited as internal revenue collections by collectors of customs in accordance with customs requirements.

DERIVATION: T. D. 5647.

SUBPART E—GENERAL REQUIREMENTS

PERMIT FOR IMPORTATION OF DISTILLED SPIRITS AND WINES

§ 191.60 Federal Alcohol Administration Act permit. Under the Federal

Alcohol Administration Act and the regulations issued pursuant thereto (Regulations 1 (27 CFR Part 1)), any person except an agency of a State or political subdivision thereof, or any officer or employee of any such agency, intending to engage in the business of importing distilled spirits or wines for nonindustrial use is required to procure a permit (Form 1631) therefor.

(Sec. 3, 49 Stat. 978, as amended; 27 U. S. C. 203)

MARKING AND STAMPING OF DISTILLED SPIRITS

§ 191.61 Containers of 1 gallon or less. Imported containers of distilled spirits of 1 gallon or less, and empty containers imported for the bottling of imported distilled spirits of 1 gallon or less, are required to be marked under customs regulations (19 CFR Parts 11 and 12) and containers of one-half pint to 1 gallon are required to be marked under Regulations 13 (26 CFR Part 175), and stamped in accordance with this part.

§ 191.62 Containers in excess of 1 gallon. Imported containers of distilled spirits in excess of 1 gallon are required to be marked and stamped under customs regulations (19 CFR Parts 11 and 12).

LABELING OF DISTILLED SPIRITS

§ 191.63 Containers of 1 gallon or less. Labels on imported containers of distilled spirits, and on containers of imported distilled spirits bottled in customs custody, for sale at retail, are required to be covered by a certificate of label approval (Form 1649) and an affidavit for release of distilled spirits, wines, or malt beverages (Form 1652) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 5 (27 CFR Part 5)). Containers of imported distilled spirits bottled after taxpayment and withdrawal from customs custody are required to be covered by a certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 5 (27 CFR Part 5)). When distilled spirits are to be labeled under a certificate of exemption from label approval, the labels affixed to containers are required to conform to Regulations 13 (26 CFR Part 175).

§ 191.64 Containers in excess of 1 gallon. Imported containers of distilled spirits in excess of 1 gallon are required to be labeled under customs regulations (19 CFR Parts 11 and 12).

MARKING, STAMPING, AND LABELING OF WINES AND FERMENTED LIQUORS

§ 191.65 Wines. All imported wines containing not less than 7 per centum and not more than 24 per centum of alcohol by volume are required to be packaged, marked, branded, and labeled in conformity with the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 4 (27 CFR Part 4)), prior to their removal

from customs custody. Containers of imported wine bottled or packaged after taxpayment and withdrawal from customs custody are required to be covered by a certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 4 (27 CFR Part 4)). Imported containers of wine are required also to be marked, branded, labeled, and stamped in accordance with customs regulations (19 CFR Parts 11 and 12).

§ 191.66 Fermented liquors. All imported fermented liquors are required to be released from customs custody in conformity with the Federal Alcohol Administration Act and regulations thereunder. The attention of all concerned is directed, in this connection, to the provisions of Regulations 7 (27 CFR Part 7) relating to the labeling and advertising of malt beverages, issued under the Federal Alcohol Administration Act. Imported containers of fermented liquor are required to be marked, labeled, and stamped in accordance with customs regulations (19 CFR Parts 11 and 12).

DERIVATION: T. D. 5647.

RED STRIP STAMPS FOR CONTAINERS OF DISTILLED SPIRITS

§ 191.67 Containers of distilled spirits to bear red strip stamps. The immediate containers of imported distilled spirits are required to bear red strip stamps indicating the payment of all internal revenue taxes thereon, with the following exceptions:

- (a) Distilled spirits in bond or in customs custody;
- (b) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale; or
- (c) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.68 Persons authorized to affix red strip stamps. Red strip stamps shall be affixed to imported containers of distilled spirits as follows: (a) By the bottler or exporter in a foreign country, as prescribed by Subpart F of this part; (b) under customs supervision, by the bottler in a foreign country, as prescribed by Subpart G of this part; or (c) by the importer or owner in a customs bonded warehouse, as prescribed by Subpart H of this part. The bottler of distilled spirits imported in bulk shall affix stamps to the containers, as prescribed by Subpart I of this part.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.69 Denominations of red strip stamps. Red strip stamps will be provided in the following denominations only: 1 gallon, $\frac{1}{2}$ gallon, 1 quart, $\frac{1}{4}$ quart, $\frac{3}{4}$ quart, 1 pint, $\frac{1}{2}$ pint, $\frac{3}{4}$ pint, $\frac{1}{2}$ pint, and less than $\frac{1}{2}$ pint. When

containers for which standards of fill are not prescribed are of sizes for which no stamps are provided, the person required to affix the stamps shall use those of the denomination next under the actual quantity of spirits in the containers, as, for instance, a stamp of the $\frac{1}{2}$ pint denomination for a container of more than $\frac{1}{2}$ pint and less than $\frac{3}{4}$ pint, and shall block or strike out the original denomination and write or print on the stamps immediately above the blocked or stricken out denomination the exact quantity of spirits in the containers. Stamps of the denomination of "less than $\frac{1}{2}$ pint" need not be changed to show the exact quantity in the containers. Stamps of the "less than $\frac{1}{2}$ pint" denomination will be issued 50 in a sheet. Stamps of all other denominations will be issued 42 in a sheet. The price is 1 cent for each stamp, except that in the case of stamps for containers of less than one-half pint, the price is one-quarter of 1 cent for each stamp.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.70 Requisition, Form 428. Requisition for the purchase of red strip stamps shall be made by the importer, or his duly authorized agent, or by the subsequent purchaser of the distilled spirits as provided in this section, on Form 428, in triplicate. Where an importer has given a bottler or another agent power of attorney to sign Form 428, the importer's name must be given, followed by the signature of the person authorized and the words "Attorney in Fact." A copy of the power of attorney must be filed with the collector of customs. The local address of the importer, or his agent, must be given on Form 428 before approval by the collector of customs. The importer must present and file (if he has not already done so) with the collector of customs a certified or photostatic copy of his permit issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder at the time he presents his first Form 428 for approval. All Forms 428 shall be submitted to the collector of customs of the district in which the place of business of the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, is located.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.71 Statement, Form 1627. The importer, or his duly authorized agent, shall submit with Form 428 for stamps to be sent to a foreign country a sworn statement on Form 1627, that the stamps requisitioned on Form 428 are required to supply existing orders and/or anticipated requirements within 30 days from the date of the requisition and will be used for the quantity of distilled spirits to be imported through the designated port (or other port or ports to be designated subsequently on Form 1627A as provided by §§ 191.91 and 191.92) at which warehouse or consumption entries will be filed. All of the information indicated by the headings of the columns

and lines and the instructions printed on the form, shall be entered thereon.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.72 Approval of requisition. The collector of customs will approve Form 428 if he is satisfied that the importer is the holder of an I permit issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder and that the red strip stamps are required for distilled spirits to be imported, or to be removed from customs custody, as prescribed in this part. The collector of customs will retain Form 1627 and one copy of Form 428 and return the original and remaining copy of Form 428 to the applicant for submission to the proper collector of internal revenue.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.73 Purchase of red strip stamps. Red strip stamps shall be purchased by the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, from the collector of internal revenue of the district in which the place of business of such applicant is located. The applicant shall forward to the collector of internal revenue the original and copy of the approved Form 428, together with remittance for the stamps. The collector of internal revenue may sell the exact number of stamps requisitioned thereon even though it is necessary to sell portions of sheets. (The remaining portion of the sheet should be returned to the Accounts and Collections Unit of the Bureau scheduled on Form 97, in triplicate, for credit and disposition.) The collector of internal revenue will enter the serial numbers of the stamps issued and stamp the date of sale on both copies of Form 428. He will retain the original copy and send the remaining copy to the proper district supervisor.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.74 Overprinting of red strip stamps. The importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have indelibly overprinted in plain and legible letters on each of the red strip stamps, at his expense, the name and address of the importer, which shall, for example, be as follows: "John Doe & Co., Baltimore, Md." He shall submit the stamps to the collector of customs, who will verify the overprinting and make an endorsement showing the verification on the retained original Form 1627 submitted with Form 428. The collector of customs will then (a) deliver the stamps to the importer, or his duly authorized agent, for transmission to the bottler or exporter abroad, as provided by Subpart F of this part; or (b) forward them to the officer assigned to the foreign bottler, as provided by Subpart G of this part; or (c) deliver them to the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, for affixing to the containers in

customs bonded warehouse, as prescribed by Subparts H and I of this part. All strip stamps overprinted with the brand and kind of distilled spirits (in addition to the name and address of the importer), on hand on the effective date of this part, may be used (a) without change for affixing to the containers of distilled spirits for which they were originally purchased, or (b) with the words representing the brand and kind of distilled spirits blocked out or otherwise obliterated, for affixing to any brand or kind of distilled spirits. In the latter case, if the importer desires to transfer such stamps to another foreign country, he must first submit them to the collector of customs who approved the Form 428, for appropriate record. Prior to sending such stamps to another foreign country, he must submit Form 1627 as provided by § 191.71.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.75 Manner of affixing red strip stamps. The red strip stamps must be securely affixed to the containers with the use of a good adhesive. The adhesive used must be in proper liquid condition. Care must be taken to cover the entire back of the stamp with the adhesive, and to press it firmly against the surface of the container sufficiently long to cause the stamp to adhere securely to the container. The stamp must pass over the mouth of the container, extending an approximately equal distance on two sides of the container, and be so affixed that a portion of the stamp will remain attached to the container when it is opened.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.76 Concealing or obscuring red strip stamps. No part of the red strip stamp shall be concealed or obscured by any label or other covering, except that a cup may be placed over the opening of the container or the container may be placed in a carton, as provided in this section. Seals made of cellulose or other material which are shrunk or otherwise fitted over the necks of the containers and cover the stamps must be sufficiently transparent to permit the stamps to be plainly seen and the data thereon easily read. No cup or cap may be placed over the opening of a container and cover the stamp, unless such cup or cap is transparent or is so placed on the container that it may be readily removed at any time without injury to the stamp and the arrangement is such that the ends of the stamp will be plainly visible when the cap or cup is in place. Cartons or other coverings of containers of distilled spirits are permitted, if so made that they may be opened and closed without being torn or broken. Sealed cartons or other coverings may not be used unless transparent or unless openings therein permit the data on the stamp and the indicia and penalty clause required by Regulations 13 (26 CFR Part 175) on the container to be plainly seen and read.

(53 Stat. 303, as amended, 331, 373, as amended; 26 U. S. C. 2803, 2871, 3170)

§ 191.77 *Affixing red strip stamp over cup or cap.* The red strip stamp may be affixed over a cup or cap placed over the opening of the container, provided the arrangement is such that the stamp will be torn apart or destroyed when the cup or cap is unscrewed or removed or destroyed. Where it is desired to affix the stamp over a removable cup or cap, the cup or cap must be securely screwed or fastened over the opening of the container, and must be of such size and construction that the stamp will pass over the top and extend beyond the cup or cap for such length that each end of the stamp may be securely affixed to the surface of the container. The stamp must be securely affixed, with a strong adhesive, to both the cup or cap and the container. Where it is desired to affix the stamp over a cap or seal made of cellulose or other similar adhesive material which is so shrunk or otherwise fitted over the neck of the container as to be unremovable without being destroyed, and is of such size and construction that the stamp will not extend beyond such cap or seal to permit each end to be affixed to the surface of the container, it will not be necessary for the ends of the stamp to be affixed to the surface of the container, provided that the cap or seal is affixed to the container in such a manner that when the container is opened the stamp will be torn apart and a portion of the cap or seal and the stamp will remain attached to the container. In any case where there is doubt as to the propriety of the use of any cup or cap, the container and cup or cap should be submitted to the district supervisor for a ruling thereon.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.78 *Exportation of imported distilled spirits; red strip stamps.* Red strip stamps affixed to imported distilled spirits prior to arrival in the United States, which spirits are diverted by the importer for exportation purposes, shall be effectively destroyed by the exporter, under customs supervision, prior to exportation. Red strip stamps affixed to distilled spirits originating in the United States as evidence of taxpayment shall not be removed at or prior to the time of exportation.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

EXEMPTIONS

§ 191.79 *Exemption from stamping, marking, bottling, and labeling requirements.* The provisions of this part relating to the affixing of red strip stamps, the indicia requirements of containers prescribed by Regulations 13 (26 CFR Part 175), and the labeling of containers as prescribed by regulations promulgated under the Federal Alcohol Administration Act (Regulations 5 (27 CFR Part 5)) are not applicable to imported distilled spirits (a) not for sale or for any other commercial purpose whatever; (b) for use as ship stores; or (c) for personal use. Samples of distilled spirits imported for any purpose are not exempt from the stamping, marking, bottling, and labeling requirements. Exemptions from the requirement that imported dis-

tilled spirits, wines, and fermented liquors be marked to indicate the country of origin are set forth in customs regulations (19 CFR Part 11).

(53 Stat. 303, as amended, 331, 373, as amended; 26 U. S. C. 2803, 2871, 3170)

DERIVATION: T. D. 5106.

SUBPART F—RED STRIP STAMPS TO BE AFFIXED IN A FOREIGN COUNTRY

§ 191.85 *Conditions.* Red strip stamps to be affixed to containers of distilled spirits may, in accordance with the procedure prescribed in this subpart, be purchased by importers to be affixed to the containers by the bottler or exporter in a foreign country.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.86 *Requisition, Form 428.* The importer, or his duly authorized agent, shall make requisition on Form 428, in accordance with § 191.70, and submit a sworn statement on Form 1627, as prescribed by § 191.71, for red strip stamps to be sent to the foreign bottler or exporter.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.87 *Approval of requisition.* The collector of customs will approve Form 428 if he is satisfied that the importer is the holder of an importer's basic permit (Form 1631) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 1 (27 CFR Part 1)) and that the red strip stamps are required for distilled spirits to be imported to supply existing orders and/or anticipated requirements within 30 days from the date of the requisition. He will dispose of Forms 428 and Form 1627 in accordance with § 191.72.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.88 *Sale and overprinting of red strip stamps.* The importer, or his duly authorized agent, shall purchase the red strip stamps from the collector of internal revenue as provided by § 191.73 and have them overprinted and verified as provided by § 191.74. After verification of the overprinting and the prescribed endorsement on Form 1627, the collector of customs will deliver the stamps to the importer, or his duly authorized agent, for transmission to the bottler or exporter abroad.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.89 *Marking of cases.* The foreign bottler or exporter will plainly and legibly mark the following legend on each case of containers of distilled spirits to which red strip stamps are attached:

The red strip stamps required by section 2803, I. R. C., are affixed to the containers of distilled spirits in this case, consisting of _____, bearing stamps of (Number of containers)

_____ denomination.

(Name of bottler or exporter)

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.90 *Endorsement of warehouse and consumption entries.* Upon arrival

of the distilled spirits in this country, warehouse entries and consumption entries shall have endorsed thereon by the importer, or his duly authorized agent, the following legend:

Red strip stamps required by section 2803, I. R. C., were affixed abroad. These stamps were purchased by _____

(Name of purchaser)

requisition Form 428, Purchaser's No. _____, approved by the Collector of Customs at _____ on _____

(Port where Form 428 was approved)

(Date of approval of Form 428)

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.91 *Credit of red strip stamps against requisition on arrival of distilled spirits at specified port.* Where warehouse and consumption entries are filed at the port where the requisition was approved, the collector of customs who approved the requisition will credit the Form 428 described in the endorsement on the entry referred to in § 191.90 with the number and denomination of red strip stamps shown by the usual customs examination to have been attached to the container.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.92 *Credit of red strip stamps against requisition on diversion of spirits to other than specified port.* In the event of diversion of all or part of the spirits to a port or ports other than the port specified in Form 1627 filed with the Form 428, the importer shall submit a supplemental statement in duplicate on Form 1627A, for each such port. He shall submit them to the collector of customs who approved the Form 428, who will retain the copy and transmit the original to the collector of customs at the designated port. Where a warehouse or consumption entry is filed at a specified port other than the port where the requisition was approved, the collector of customs of the port at which the warehouse or consumption entry is filed will promptly notify, on Form 1627A, the collector of customs who approved the Form 428 of the number and denomination of stamps shown by the usual customs examination to have been attached to the containers. The collector of customs who approved the requisition will credit the Form 428 accordingly. He will stamp on the copy of Form 1627A "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96. Such diverted spirits may not be released from customs custody until Form 1627A has been received at the port of diversion or the collector of customs who approved Form 428 has authorized such release.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

DERIVATION: T. D. 5106.

§ 191.93 *Irregularities or discrepancies in shipments.* In case any irregularities or discrepancies are found, the collector of customs at the port of entry will make demand for redelivery of unexamined packages, and will not release examined or redelivered packages until

satisfactory explanation and/or proper corrections have been made.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.94 Unused red strip stamps. Unused red strip stamps returned to the importer by the bottler or exporter abroad, shall be submitted to the collector of customs who approved the original requisition Form 428, for noting such fact on the requisition. After proper notation has been made, the collector of customs will return the stamps to the importer (who will acknowledge receipt), and notify the proper district supervisor. If subsequently the importer desires to send such stamps to a bottler or exporter abroad, he must submit them with Form 1627 properly modified, in duplicate, to the collector of customs, who will note approval on the copy of Form 1627 and return it with the stamps to the importer. He will retain the original Form 1627. Where the distilled spirits are to be imported through more than one port, Form 1627A shall be submitted by the importer to such collector, for each port of entry, for certification and transmittal of a copy to the collector of customs at each of the ports at which warehouse or consumption entries will be filed. The importer shall make appropriate entries on his monthly report, Form 96, of the receipt and disposition of unused stamps covered by this section.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.95 Credit for red strip stamps affixed to containers returned to a foreign bottler or exporter. When for any reason containers of distilled spirits bearing red strip stamps are returned from customs custody to the foreign bottler or exporter, the importer may be given credit for such stamps, provided he obtains an affidavit from an excise official of the foreign government concerned to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such affidavit to the collector of customs who will credit the original requisition accordingly. The importer shall make appropriate entries on his monthly report, Form 96.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.96 Credit for red strip stamps affixed to containers diverted by the importer for exportation. The importer may be given credit for red strip stamps which were affixed to imported distilled spirits diverted by the importer for exportation purposes and which were effectively destroyed by the exporter under customs supervision, provided he obtains an affidavit from the customs officer to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such affidavit to the collector of customs who approved the original requisition for proper credit. The importer shall make appropriate entries on his monthly report, Form 96.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.97 Breach of regulations, or failure to use red strip stamps. Any seri-

ous breach of the provisions of this part, or failure to use the red strip stamps for the purpose for which they were procured within a period of six months, or within such additional extension of time as may be granted by the collector of customs, not satisfactorily explained to the collector of customs, will be grounds for denial of approval of further requisitions for purchase of stamps.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

SUBPART G—RED STRIP STAMPS AFFIXED UNDER CUSTOMS SUPERVISION BY BOTTLER IN A FOREIGN COUNTRY

§ 191.105 Conditions. Red strip stamps to be affixed to containers of distilled spirits may, in accordance with the procedure prescribed in Subpart F of this part, be purchased by an importer, or his duly authorized agent, to be affixed to the containers by the bottler in a foreign country, under the supervision of a customs officer.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.106 Assignment of customs officer. The collector of customs to whom the red strip stamps are delivered by the importer will assign an officer to the bottling plant in the foreign country to supervise the affixing of the stamps to the containers. The collector of customs after verification of the overprinting of the stamps will deliver them to the officer assigned to the foreign bottling plant.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.107 Custody of red strip stamps. The officer will retain the red strip stamps in his custody, keeping them locked in a secure place provided by the bottler, the key to which shall at all times be in possession of the officer. The officer will deliver to the bottler such stamps as may be required during bottling operations, and will personally assure himself that all stamps delivered to the bottler are affixed to the containers filled with distilled spirits for export to the United States.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.108 Marking of cases. The officer supervising the affixing of the red strip stamps to containers at the foreign bottling plant will stamp the following legend upon each case:

----- 19--
(Month) (Day)
This is to certify that on this date the red strip stamps required by section 2803, I. R. C., were affixed, under my supervision, to the containers of distilled spirits in this case, consisting of -----
(Number of containers)
bearing stamps of ----- denomination.
(Name)
(Official designation)

This legend, when stamped on the case and filled in by the officer, may be accepted by customs officers as evidence that the containers bear stamps.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.109 Expenses of customs officer. The actual and necessary expenses of transportation and subsistence of the customs officer assigned under authority of this part shall be collected from the importer by the collector of customs.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

SUBPART H—RED STRIP STAMPS AFFIXED IN CUSTOMS BONDED WAREHOUSE

§ 191.115 Conditions. Distilled spirits in containers imported without having red strip stamps attached may not be released from customs custody until a stamp has been affixed to each container, under the supervision of a customs officer in a bonded warehouse. Stamps purchased for such containers but not affixed within 48 hours after entry shall be placed in the custody of the collector of customs of the district in which the bonded warehouse is located, until such time as they are to be affixed to containers prior to removal from customs custody. At ports where there is no customs bonded warehouse, no distilled spirits imported in containers without stamps affixed shall be released until the stamps have been affixed to the containers under the supervision of a customs officer.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.116 Requisition, Form 428. Requisition for red strip stamps shall be made by the original importer or his duly authorized agent: *Provided*, That if the importer has gone out of business the requisition shall be made by the person having title to the distilled spirits. The requisition shall be submitted in accordance with § 191.70. Subsequent procedure shall conform to applicable provisions of §§ 191.72, 191.73, and 191.74.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.117 Expense of affixing red strip stamps. Expenses of cartage, storage, repacking, handling, or other labor connected with the opening of cases and affixing of red strip stamps to the containers, shall be borne by the importer, or by the subsequent purchaser of the distilled spirits referred to in § 191.116, as the case may be.

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.118 Marking of cases. There shall be indelibly stamped upon each case by the customs officer supervising the affixing of red strip stamps to containers, the following legend:

Port of ----- (Month)
----- 19--
(Day)
This is to certify that on this date the red strip stamps required by Section 2803, I. R. C., were affixed, under my supervision, to the containers of distilled spirits in this case, consisting of -----
(Number of containers)
bearing stamps of ----- denomination.
(Name)
(Official designation)

(53 Stat. 303, as amended; 373, as amended; 26 U. S. C. 2803, 3170)

SUBPART I—IMPORTATION OF DISTILLED SPIRITS IN BULK

§ 191.125 *Persons authorized to receive distilled spirits imported in bulk.* Distilled spirits imported in bulk (i. e., in containers having a capacity in excess of 1 gallon) may be entered into a class 8 customs bonded warehouse for bottling, or may be withdrawn from customs custody only if entered for exportation or if withdrawn by a person to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk pursuant to the Federal Alcohol Administration Act (Sec. 6, 49 Stat. 985, as amended; 27 U. S. C., 206) and Regulations 3 (27 CFR Part 3). The importation and disposition of distilled spirits imported in bulk shall be reported as prescribed by § 191.139.

(53 Stat. 327, as amended, 328, 331, 373, as amended, 373; 26 U. S. C. 2857, 2858, 2871, 3170, 3171)

§ 191.126 *Containers.* Imported distilled spirits may be bottled in either domestic or imported containers conforming to the provisions of Regulations 13 (26 CFR, Part 175).

(53 Stat. 331, 373, as amended; 26 U. S. C. 2871, 3170)

§ 191.127 *Red strip stamps.* Red strip stamps overprinted with the name and address of the original importer as prescribed by § 191.74 or stamps without any overprinting prescribed for domestic use (Regulations 11 (26 CFR Part 189)), may be affixed to containers of imported distilled spirits bottled in a class 8 customs bonded warehouse. Stamps without any overprinting prescribed for domestic use (Regulations 11 (26 CFR Part 189)) shall be affixed by the bottler to containers of imported distilled spirits bottled after withdrawal from customs custody.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

SUBPART J—IMPORTER'S RECORDS AND REPORTS

RECORD AND REPORT OF RED STRIP STAMPS

§ 191.135 *Monthly record and report, Form 96.* Importers of distilled spirits shall keep records and render reports of red strip stamps on Form 96.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.136 *Monthly record, Part I, Form 96.* Importers shall keep a record of red strip stamps purchased and used daily on Part I of Form 96. A separate page in single copy is required for each denomination of stamps. Entries shall be made on Form 96 daily, as indicated by the headings of the various columns and lines, and in accordance with the instructions on the form. The record shall be kept in bound form on the premises at which the business is conducted, available for inspection by Government officers.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.137 *Monthly report, Parts II and III, Form 96.* At the close of the month, importers shall prepare Parts II and III of Form 96, in triplicate, reporting on Part II the red strip stamps purchased and used during the month, and

on Part III the stamps shipped abroad to importer's agents. On or before the 10th day of the succeeding month, one copy shall be forwarded to the district supervisor, Alcohol Tax Unit, in charge of the district in which the business of the importer is conducted, and one copy to the collector of customs, who approved the importer's requisitions. The remaining copy shall be retained in bound form with the importer's copies of Part I, Form 96, for the same month, available for inspection by Government officers.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

DERIVATION: T. D. 5783.

§ 191.138 *Separate record for each place of business.* Where an importer has more than one place of business, a separate record on Part I of Form 96 shall be maintained on the premises of each place of business. A separate monthly report (Parts II and III) shall also be rendered for each place of business. Where an agent purchases stamps for several importers, the agent shall keep a separate record for each importer on Part I of Form 96 of all stamps sent abroad or retained on his premises for the account of the importer. Separate monthly reports (Parts II and III) shall be rendered by the agent in the name of each importer, to the supervisor of the district in which the stamps are purchased.

(53 Stat. 303, as amended, 373, as amended, 373; 26 U. S. C. 2803, 3170, 3171)

RECORD AND REPORT OF IMPORTED DISTILLED SPIRITS

§ 191.139 *Record and report, Form 52E.* Every importer who imports and sells distilled spirits in bulk shall keep at the place of business covered by his wholesale liquor dealer special tax stamp, Form 52E, of all distilled spirits, both bulk and bottled, imported and disposed of by him: *Provided*, That, if the importer so desires, he may keep Form 52E for bulk spirits only and Record 52 for bottled spirits only. If only bottled spirits are imported, he shall keep Record 52. The receipt of imported distilled spirits, both bulk and bottled, shall be entered on Part 1, of Form 52E or bottled distilled spirits on Record 52, as the case may be, as of the time of making the customs entry. The disposition of such distilled spirits shall be entered on Part 2 of Form 52E or Record 52, as the case may be, as of the time of their sale or their taxpayment and withdrawal from customs custody. If the importer enters the distilled spirits into a class 8 customs bonded warehouse for bottling, he shall note such temporary disposition of the distilled spirits in bulk on Part 2 of Form 52E and, upon completion of their bottling, enter the bottled distilled spirits on Part 1 of Form 52E or Record 52, as the case may be. He shall then report the disposition of the bottled distilled spirits on Part 2 of Form 52E or Record 52, as the case may be, at the time of their sale or their taxpayment and withdrawal from customs custody.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

§ 191.140 *Record of warehouse receipts to be kept by importer.* Every importer who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F. There need not be entered on Form 52F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52F shall be made as indicated by the headings of the columns and lines on the form and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The provisions of § 191.143 with respect to the time of making entries, and of § 191.149 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The provisions of § 191.144 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52F shall be forwarded to the district supervisor on or before the tenth day of the succeeding month. The importation of distilled spirits, and the disposition of such spirits from customs custody at the time of their sale or withdrawal therefrom, shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 191.139. The physical receipt and disposition of distilled spirits at the importer's wholesale liquor dealer premises shall continue to be reported on Record 52 in accordance with the provisions of § 191.142.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

DERIVATION: T. D. 5640.

§ 191.141 *Place where Form 52F shall be kept.* Every importer shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

DERIVATION: T. D. 5640.

§ 191.142 *Record 52.* Every importer who maintains wholesale liquor dealer premises where bottled distilled spirits are received and stored, shall keep Record 52 of all bottled distilled spirits received and disposed of thereat (including bottled spirits transferred from customs custody) in accordance with Regulations 20 (26 CFR, Part 194), in addition to a record on Form 52E or Record 52, as the case may be, as prescribed by § 191.139.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

§ 191.143 *Time of making entries.* Daily entries shall be made on Record 52 and Form 52E, as indicated by the head-

ings of the various columns, and in accordance with instructions printed thereon, before the close of the business day next succeeding the day on which the transactions occur. Where the importer defers the making of the entries to the next business day, as authorized in this section, he shall keep a separate record, such as invoices, of the removals of distilled spirits showing the removal data required to be entered on Record 52 and Form 52E, and appropriate memoranda of other transactions required to be entered on such records, for the purpose of making the entries correctly.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

DERIVATION: T. D. 5724.

§ 191.144 Separate record of serial numbers of cases. Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52 or Form 52E, provided the respective proprietor keeps in his place of business a separate record, approved by the district supervisor, showing such serial numbers, with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such a manner that the required information may be ascertained readily therefrom, and during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by internal revenue officers. Entries shall be made on such separate approved record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The importer, whose separate record has been approved by the district supervisor, shall note in the column for reporting serial numbers that, "Serial numbers shown on commercial records per authority, dated _____."

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

DERIVATION: T. D. 5724.

§ 191.145 Reports. Except as otherwise provided in this section, the importer shall file, daily, full and complete transcripts of Form 52E (Parts 1 and 2) or Record 52, as the case may be, on Forms 52E (Parts 1 and 2) or 52A and 52B with the district supervisor, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the district supervisor shall direct, the transcripts shall be so filed with the investigator in charge instead of with the district supervisor. The transcripts shall bear the following certification signed by the person or officer authorized to sign Form 52E or 338:

I hereby certify that these transcripts, consisting of _____ pages, disclose all the

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transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the district supervisor shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Form 52E and Record 52 in accordance with the provisions of § 191.143. Monthly summary reports on Form 52E (Part 3) and Form 338 (where Record 52 is kept) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the district supervisor on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Form 52E and Record 52 shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

DERIVATION: T. D. 5321.

ADDITIONAL REQUIREMENTS

§ 191.146 Where importer ships direct to consignee. The importer shall report, on Form 52E, Part 2, and when Record 52 is kept, on Part 2 and on transcript, Form 52B, the name and address of each consignee, in the column now designated "Name". In the column now designated "Address", there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

DERIVATION: T. D. 5628.

§ 191.147 Where importer ships to a consignee on the order of another wholesale liquor dealer. Where the importer ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept (a) on Form 52E by the importer making the shipment or delivery, (b) on Record 52 by the wholesale liquor dealer giving the order, and (c) on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that importer (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(a) Importer (A) will show in his Form 52E the name and address of wholesale dealer (B) who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(b) Wholesale dealer (B) will show in his Record 52 that the distilled spirits

were purchased from importer (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(c) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from importer (A), giving name and address of both. A copy of Form 52E and transcripts of Record 52 on Forms 52A and 52B, required to be filed with the district supervisor, will similarly show the details of such transactions.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

DERIVATION: T. D. 5628.

§ 191.148 Where importer keeps Record 52. Where the importer keeps Record 52 and is a party to transactions similar to those described in § 191.147, he shall make similar entries of such transactions in Record 52; and the transcripts on Forms 52A and 52B required to be filed with the district supervisor, will likewise show the details of the transactions.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

DERIVATION: T. D. 5628.

§ 191.149 Forms to be provided by users at own expense. Form 52E, Record 52, and Forms 52A, 52B, 52F, and 338 shall be provided by importers at their own expense, but must be in the form prescribed by the Commissioner: *Provided*, That with the approval of the Commissioner, they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further*, That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form.

(53 Stat. 327, as amended, 328, 373, as amended, 373, 391; 26 U. S. C. 2857, 2858, 3170, 3171, 3254)

SUBPART K—REPORTS OF COLLECTORS OF CUSTOMS

§ 191.160 Semiannual reports of collectors of customs. Collectors of customs will furnish the district supervisor as of June 30 and December 31 of each year a consolidated report showing the name of the importer, and the number and denomination of red strip stamps purchased on requisitions, Form 428, approved by them, and not credited against such requisitions.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

SUBPART L—EXCHANGE AND REDEMPTION OF RED STRIP STAMPS

§ 191.165 Exchange and redemption of stamps. Unused red strip stamps, in quantities of the value of \$5 or more, issued under section 203 of the Liquor Taxing Act of 1934 or subsection (b) of section 2803, Internal Revenue Code, may be exchanged for other stamps of

the same kind and in any prescribed denomination, or the value thereof may be refunded, provided that a claim for such exchange or refund, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps within two years after the date on which such stamps were lawfully issued: *Provided, however,* That the value of unused stamps which have been destroyed may be refunded upon the filing of a claim as provided in this section with proof to the satisfaction of the Commissioner of the destruction of the stamps. Claims for exchange of stamps will be filed on Form 1579 and claims for refund of the value of stamps on Form 843, in accordance with procedure prescribed by the Commissioner.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

§ 191.166 Disposition of strip stamps. The importer who discontinues or sells his business shall recall from his agents abroad all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report of inventory, by denominations, serial numbers, and quantity, to the collector of customs for crediting of the respective Forms 428. The collector of customs will then return such stamps to the importer and take his receipt therefor, in triplicate. When delivering the stamps the collector of customs will advise the importer that the value of the stamps, if in quantities of the value of \$5 or more, may be refunded provided that a claim for such refund on Form 843, establishing the lawful issuance and ownership of the stamps, is filed with the collector of internal revenue who issued the stamps within two years after the date on which such stamps were lawfully issued, or that such unused stamps may be destroyed in the presence of a Government officer and the importer thereby relieved from further accountability for the stamps. If the stamps are not surrendered to the collector of internal revenue for refund of their value or are not destroyed, the importer must account for the stamps each month by rendering Form 96 in accordance with § 191.137. The collector of customs shall make a notation on the receipt as to the disposition made or to be made of the stamps. One copy of the receipt will be delivered to the importer and the original will be delivered to the district supervisor.

(53 Stat. 303, as amended, 373, as amended; 26 U. S. C. 2803, 3170)

DERIVATION: T. D. 5783.

Effect. These regulations shall be effective as of December 1, 1950.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: August 20, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-10191; Filed, Aug. 23, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 30, Amdt. 9]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

EXCLUSION OF COPPER AND COPPER BASE ALLOY WELDING ROD AND WELDING WIRE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 9 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

Commodities named in this amendment were included in the coverage of Ceiling Price Regulation 30 because of their close relationship to major products covered by that regulation. However, Ceiling Price Regulation 68 is being issued, establishing ceiling base prices for copper and copper base alloy welding rod and welding wire. The amendment, therefore, excludes these commodities from Ceiling Price Regulation 30 by making appropriate changes in Appendix A thereof.

AMENDATORY PROVISIONS

Appendix A of Ceiling Price Regulation 30 is amended in the following respects:

1. The item "Welding apparatus and supplies, electrical, including electrodes" is amended to read as follows:

"Welding apparatus and supplies, electrical, including electrodes (except hard facing welding electrodes and other hard facing materials containing tungsten and copper and copper base alloy welding rod and welding wire).

2. The item "Welding and cutting apparatus" is amended to read as follows:

"Welding and cutting apparatus and supplies, gas, including generators, welding rods and welding wire (except hard facing welding rods and other hard facing materials containing tungsten and copper and copper base alloy welding rod and welding wire).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 23, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

AUGUST 23, 1951.

[F. R. Doc. 51-10303; Filed, Aug. 23, 1951; 11:08 a. m.]

[Ceiling Price Regulation 55, Amendment 3]

CPR 55—CEILING PRICES FOR CERTAIN PROCESSED VEGETABLES OF THE 1951 PACK

EXTENDING TIME FOR FILING REPORTS, AND CHANGE IN THE EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Or-

der 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 55 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 55 extends the effective date of the regulation from August 20, 1951, to September 1, 1951, or such earlier date between July 31, 1951, and September 1, 1951, as a processor may select. The time for filing reports under the regulation is also extended to September 1, 1951, or 5 days after the item is offered for sale, whichever is later.

This action is taken because representations made to the Director of Price Stabilization by a substantial group of processors in different parts of the country make it plain that additional time is necessary to collect pertinent data. In view of the urgent character of this action, further consultation with representatives of the industry was deemed impractical.

AMENDATORY PROVISIONS

Ceiling Price Regulation 55 is amended in the following respects:

1. Section 19, paragraph (b) is amended by deleting the period at the end thereof and adding the following: "or by September 1, 1951, whichever date is the later".

2. The effective date section of this regulation is changed as follows:

Effective date. The effective date of this regulation is September 1, 1951, or such earlier date between July 31, 1951, and September 1, 1951, as you may select. If you select an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 23, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

AUGUST 23, 1951.

[F. R. Doc. 51-10305; Filed, Aug. 23, 1951; 2:00 p. m.]

[Ceiling Price Regulation 68]

CPR 68—PRODUCERS OF BRASS MILL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 68 is issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for all sales of brass mill products by producers. "Brass mill products" include any new plate, sheet, strip, rod, bar, tube, pipe, extrusion, anode, or other shape made from copper or copper base alloy. Non-electrical wire made from copper base alloy and welding rod made from copper or copper base alloy are also included.

The products covered by this regulation constitute the materials from which are manufactured many articles essential to the defense program and the civilian economy. Brass mill products are used in the fabrication of radio and radar parts; ammunition; automotive and airplane equipment; plumbing equipment and fixtures; industrial fasteners of all sorts; building and marine hardware; heating equipment; and countless other products. Brass mill products are widely used industrial raw materials and their prices are an important factor in the cost of the defense effort and in the cost of living. It is imperative, therefore, that such prices be established at levels which will prevent any undue increases and which will encourage needed output.

One of the principal elements in the cost of producing brass mill products is the cost of copper. Although about one-third of the copper consumed in the United States comes from foreign sources, some brass mills obtain about two-thirds or more of their supply of that metal from such sources. During the base period of the General Ceiling Price Regulation (December 19, 1950, to January 25, 1951, inclusive) both imported and domestic copper was selling generally at 24½ cents per pound, but metal of foreign origin cost domestic consumers an additional 2 cents per pound because of the duty levied thereon. Since the GCPR base period, however, the cost of foreign copper has increased materially. Although the duty was suspended, effective as of April 1, 1951, an agreement between the United States and Chile resulted in a price of 27½ cents per pound for foreign copper imported into the United States and domestic users, including brass mills, have been paying this amount since May 1951.

Although most brass mill products ordinarily are sold at uniform prices, there was a wide divergence in the prices which various producers were permitted to charge heretofore under the General Ceiling Price Regulation. During the base period of that regulation, one large producer using a substantial quantity of foreign copper, separately invoiced the duty it paid thereon and consequently its GCPR ceiling prices did not reflect any increase in the cost of copper above 24½ cents per pound. Other producers of brass mill products, however, had substantially higher ceiling prices arising, at least in part, out of the fact that they did not invoice the duty on copper separately but reflected it in price increases which they instituted between the outbreak of hostilities in Korea and the issuance of the GCPR on January 26, 1951. These prices ranged from .65 cents to 1.50 cents per pound of copper content above the ceiling prices of the large producer mentioned above.

"Brass mill products" is a generic term applied to an industrial raw material used in the fabrication of a wide range of commodities. This material is made from copper and various copper base alloys, shaped into relatively few forms and used sometimes interchangeably in the production of the end commodity. All brass mill products are

manufactured by substantially the same processes and historically each producer has published a price-list covering a range of the copper base alloys and shapes that he makes. While these alloys are sold at different prices, the variations in price fundamentally reflect the difference in metal combinations and change ordinarily with changes in the prices for the primary metals of which the alloys are composed.

The ceiling price level established in this regulation is in general higher than the level of ceiling prices established by the General Ceiling Price Regulation. Although the price of one of the items (phosphor bronzes), which represents approximately 1 percent of the total production of brass mill products, has been adjusted downward to reflect the sharp reduction in the price of tin which has occurred since the issuance of the GCPR, the net effect of this regulation is to establish ceiling prices for 97 percent of the total output of brass mill products which will be equal to or above the prices prevailing during the period January 25 to February 24, 1951. Producers accounting for 40 to 45 percent of the total output will be able to increase their prices anywhere from .65 to 1.50 cents per pound of copper content. Prices of one producer accounting for 2 percent or less of the total output will be rolled back about 1.96 cents per pound of copper content, but this producer is benefiting coincidentally by the substantial rollback under Ceiling Price Regulations 46 and 47 of the copper and brass mill scrap which constitutes a major part of this producer's raw materials. The balance of the industry will find their prices raised for some items and lowered for some items.

The pricing technique embodied in this regulation follows the practice of the industry. Specific dollars-and-cents base prices are set forth for the various product forms made from copper and standard copper base alloys. The ceiling price for a particular item must be determined by adjusting the applicable base price to reflect the quantity differentials, extras and deductions, and allowances and discounts which each producer had in effect on December 31, 1950. Unlisted copper base alloys must be priced by reference to the base prices set forth for standard alloys and the use of the method or differentials which each producer had in effect on the base date. The regulation also permits the charging of premiums for deliveries made from points in the State of California, Oregon, and Washington if the producer had such premiums in effect on December 31, 1950.

In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the ceiling prices established in this regulation for brass mill

products are not below the lower of the prices prevailing just before the issuance of this regulation or the prices prevailing during the period January 25, 1951, to February 24, 1951, inclusive.

In formulating this regulation, the Director consulted with industry representatives, including trade association representatives, and has given full consideration to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.

1. Coverage of this regulation.
2. Prohibitions.
3. Ceiling prices for general brass mill products and welding rod.
4. Ceiling prices for condenser and heat exchanger tube.
5. Customary price differentials and terms of sale.
6. Applications for establishment of ceiling prices.
7. Definitions.
8. Transfers of business.
9. Excise, sales, and similar taxes.
10. Record-keeping and filing requirements.
11. Penalties.
12. Petitions for amendment.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Sup.

SECTION 1. Coverage of this regulation—(a) Products covered. This regulation establishes ceiling prices for all brass mill products. The term "brass mill products" includes any new plate, sheet, strip, rod, bar, tube, pipe, extrusion, and anode or other shape made from copper or copper base alloy. It also includes any non-electrical wire made from copper base alloy and copper or copper base alloy welding rod. It does not include any fabricated product made from any of the foregoing products or any copper or copper base alloy product produced by a copper refiner or smelter.

(b) Persons and transactions covered. This regulation applies to all sales of brass mill products by a producer, regardless of whether delivery is made directly from a mill, from a mill depot, from a warehouse, or from consigned stocks. It also applies to any person who in the regular course of trade or business buys brass mill products from a producer.

(c) Geographical applicability. This regulation applies in the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

SEC. 2. Prohibition—(a) Against transactions above ceiling prices. Regardless of any contract or other obligation, on and after the effective date of this regulation no person covered by this

regulation shall sell or deliver, or buy or receive in the regular course of trade or business, any brass mill product at a price in excess of the applicable ceiling price established in this regulation. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than the ceiling prices set forth in this regulation may be charged, demanded, paid or offered.

(b) *Against tie-in transactions.* No person covered by this regulation shall sell any brass mill product on condition (1) that the buyer purchase from any person any commodity or service, or (2) that the buyer sell to any person any commodity or service. No person who in the regular course of trade or business buys any brass mill product from a person covered by this regulation shall participate in any such tie-in transaction.

(c) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery or transfer of any brass mill product alone or in conjunction with any other commodity, or by way of commission, service or transportation charges or discount, premium, or other privilege, or by up-grading, trade understanding, cross-selling, cross-purchasing or cross-servicing or otherwise.

SEC. 3. Ceiling prices for general brass mill products and welding rod—(a)

TABLE A—GENERAL BRASS MILL PRODUCTS

(Cents per pound)

Trade or alloy name	Sheet	Wire	Rod	Tube	Drawn angles, channels, and open-seam tube	Extruded shapes
Yellow Brass	38.28	38.57	37.97	41.29	51.28	
Free-Cutting Brass			32.63			36.70
Best Quality Brass	39.15	39.44	38.84			
Low Brass, 80%	39.67	39.96	39.36	42.58	52.67	
Red Brass, 85%	40.14	40.43	39.83	43.05	53.14	
Commercial Bronze, 90%	41.13	41.42	40.82	43.79	54.13	
Gilding, 95%	41.61	41.90	41.30			
Admiralty (Plain/Inhibited)	45.58	40.41	43.77	44.85		
Architectural Bronze						36.70
Hardware Bronze			40.50			
Leaded Copper		42.31	41.58			
Manganese Bronze	46.92	51.31	40.81			42.37
Muntz Metal	41.18		36.74			37.99
Naval Brass	43.20	50.00	37.26	46.46		38.52
Tobin Bronze (or Equivalent)	44.70	50.00	39.64			
Herculoy (or Equivalent)	46.16	45.95	45.10			
Copper Sheet, Hot-Rolled (Over 20 inches in width)	41.68					
Copper Strip (Incl. 20 inches and narrower in width)	39.71					
Spring and Brush Copper	42.71					
Copper, Anodes, Flat Rolled	38.34					
Copper, Anodes, Oval	37.84					
Copper			38.78	41.72	54.21	41.28
Hot-Rolled Copper, Left Black			37.53			
Commutator Copper			41.03			
Phosphor Bronze 5% (A)	61.07	61.32	61.32	62.82		
Phosphor Bronze 5% (B)	61.01	61.26	61.26	62.76		
Phosphor Bronze 8% (C)	65.10	65.35	65.35	66.85		
Phosphor Bronze 10% (D)	68.89	69.14	69.14	70.64		
Phosphor Bronze 2% (E)	54.94	55.19	55.19			
Cupro-Nickel 15%	53.79	58.54	58.54			
Cupro-Nickel 20%	55.08	62.63	62.63			
Cupro-Nickel 30%	61.55	69.12	69.12	75.05		
Plater Metal	55.09	62.99	63.88			
Optical Metal	63.74	70.84	72.49			
#444 Bronze	50.29	57.38	57.38			
Aluminum-Silicon Bronze			43.29			
Aluminum Brass				51.90		
90-10 Copper Nickel Alloy (1% Iron)	51.79		55.59	57.71		
Nickel Silver 5%	47.36	48.61	48.61			
" " 8%	48.58	50.39	50.39			
" " 10%	49.82	52.04	52.04			
" " 10% Leaded		53.68	53.68			
" " 12%	50.43	53.79	53.79			
" " 12% Leaded		55.08	55.08			
" " 15%	51.66	55.76	55.76			
" " 15% Leaded		57.31	57.31			
" " 18%	53.14	59.14	59.14			
" " 18% Leaded		60.51	60.51			
EXTRUDED Leaded Nickel Silver			55.73			58.92

TABLE B—WELDING ROD

Cents per pound

Brass	41.87
Electrolytic Copper	41.12
Low Fuming Bronze (.95%)	45.52
Naval Brass (or equivalent alloy)	43.82
Tobin Bronze (or equivalent alloy)	44.01
Aluminum Bronze	58.62
Manganese Bronze	45.01
Silicon Bronze	49.25
Silicon Copper	45.62
Phosphor Deoxidized Copper	45.62
Phosphor Bronze Grade A	59.42
Phosphor Bronze Grade C	63.33
Phosphor Bronze Grade D	66.85
Phosphor Bronze Grade E	55.39
Phosphor Bronze Grade F	62.43
Ambrac (or equivalent alloy)	63.25
Nickel Silver	59.87
Super Nickel (or equivalent alloy)	69.75

(2) *Alloys not listed in Table A or B.* Your base price for a copper base alloy not listed in Table A or B is the base price determined in accordance with the method set forth in your published price list in effect on December 31, 1950. If you customarily priced an unlisted alloy by using your published base price for an alloy listed in Table A or B, you must use the applicable base price set forth in those tables. If you customarily priced an unlisted alloy by applying differentials to your published base price, you must use the differentials which you had in effect on December 31, 1950, and apply them to the base price determined in accordance with provisions of this paragraph.

(c) *Quantity differentials.* In computing your ceiling price for a general brass mill product or welding rod, you must deduct from, or add to, the applicable base price determined in accordance with paragraph (b) of this section the published quantity differentials which you had in effect on December 31, 1950, for pricing transactions involving quantities in excess of, or less than, the quantities you classified as "base" on that date.

(d) *Extras and deductions.* In computing your ceiling price for a general brass mill product or welding rod, you must add to, or deduct from, the applicable base price determined in accordance with paragraph (b) of this section, the extras or deductions which you had in effect on December 31, 1950, for size, shape, length, finish, temper, special tolerance, special handling, and similar factors. The extra used may not exceed nor may the deduction used be less than the dollar and cents amount which you had in effect on December 31, 1950, and you may not charge an extra for any special processing if you did not charge an extra therefor on that date.

SEC. 4. Ceiling prices for condenser and heat exchanger tube—(a) *Ceiling prices.* Your ceiling price for condenser or heat exchanger tube within the range of dimensions set forth in Table C is the applicable base price set forth in paragraph (b) of this section, plus or minus the applicable quantity differentials, and extras and deductions determined in accordance with paragraphs (c) and (d) of this section. You must adjust the price so determined in accordance with section 5 of this regulation.

All condenser and heat exchanger tube not falling within the range of dimensions set forth in Table C shall be priced

in accordance with the provisions of section 3 of this regulation.

If you used a condenser tube pricing schedule to determine your price for any alloy tube whose dimensions fall within the range set forth in Table C on December 31, 1950, you must determine your ceiling price for such tube in accordance with the provisions of this section regardless of the use for which the tube is produced.

(b) *Base prices.* (1) Table C sets forth the base prices, in cents per pound, for Admiralty (plain or inhibited) condenser tube and heat exchanger tube in any length from one foot to 30 feet, inclusive. Base prices for condenser and heat exchanger tubes made of other copper base alloys must be determined in accordance with subparagraph (2) of this paragraph.

TABLE C

Stubs gauge	Wall thickness—Decimal, in inches	Outside diameter, in inches					
		Incl. $\frac{3}{4}$ to $\frac{1}{2}$	Incl. $\frac{3}{4}$ to $\frac{1}{2}$	Incl. $\frac{3}{4}$ to 1	Incl. 1 to $1\frac{1}{4}$	Incl. $1\frac{1}{4}$ to $1\frac{1}{2}$	Incl. $1\frac{1}{2}$ to 2 inc.
8	Under 0.180 to 0.165 incl.	52.16	53.28	52.16	51.53	49.53	48.78
9	Under 0.165 to 0.148 incl.	52.16	53.28	51.66	50.78	49.53	48.78
10	Under 0.148 to 0.134 incl.	52.16	51.66	51.03	50.78	49.53	48.78
11	Under 0.134 to 0.120 incl.	52.16	51.03	51.03	50.78	49.53	48.78
12	Under 0.120 to 0.109 incl.	52.16	51.03	51.03	50.78	49.53	48.78
13	Under 0.109 to 0.095 incl.	52.16	51.03	51.03	50.78	49.53	49.53
14	Under 0.095 to 0.083 incl.	52.16	51.03	51.03	50.78	49.53	49.53
15	Under 0.083 to 0.072 incl.	52.16	51.03	51.03	50.78	50.78	50.78
16	Under 0.072 to 0.065 incl.	52.78	51.03	51.03	50.78	50.78	50.78
17	Under 0.065 to 0.058 incl.	52.78	51.66	51.66	51.53	51.53	51.53
18	Under 0.058 to 0.049 incl.	53.28	52.16	52.16	52.16	52.16	52.16
19	Under 0.049 to 0.042 incl.	53.91	52.78	52.16	52.91	52.16	52.16

(2) The base price for condenser and heat exchanger tube other than Admiralty tube is the applicable price set forth in Table C above plus or minus the applicable differential set forth in Table D.

TABLE D

Alloy	Differential (cents per pound)
Cartridge Brass 70 percent.....	None
Red Brass 85 percent.....	None
2/1 Alloy.....	-1.00
Muntz Metal.....	-1.00
Arsenical Copper.....	+1.40
Aluminum Brass.....	+6.96
Aluminum Bronze.....	+15.85
Superloy (or equivalent alloy).....	+7.51
Cupro-Nickel 10 percent.....	+10.19
Cupro-Nickel 20 percent.....	+15.11
Cupro-Nickel 30 percent.....	+21.11
Ambrac 20 percent (or equivalent alloy).....	+15.40

(c) *Quantity differentials.* In computing your ceiling price for a product covered by this section, you must deduct from, or add to, the applicable base price determined in accordance with paragraph (b) of this section, the published quantity differentials which you had in effect on December 31, 1950, for pricing transactions involving quantities in excess of, or less than, the quantities you classified as "base" on that date.

(d) *Extras and deductions.* In computing your ceiling price for any product covered by this section, you must add to, or deduct from, the applicable base price determined in accordance with paragraph (b) of this section, the extras or deductions which you had in effect for such products on December 31, 1950, for length, finish, temper, special tolerance, special handling, and similar factors. The extra used may not exceed nor may the deduction used be less than the dollar and cents amount which you had in effect on December 31, 1950, and you may not charge an extra for any special processing if you did not charge such an extra on that date.

SEC. 5. *Customary price differentials and terms of sale.*—(a) *Class of pur-*

chaser differentials. You must adjust the ceiling prices determined in accordance with section 3 or 4 of this regulation to reflect all distributor and intermill preferentials, special customer discounts, and other class of purchaser differentials which you had in effect on December 31, 1950.

(b) *Transportation charges.* You must adjust the ceiling prices determined in accordance with section 3 or 4 of this regulation to reflect all transportation allowances which you had in effect on December 31, 1950. You must not require a purchaser to pay a larger proportion of the transportation costs involved in the shipment of brass mill products than he would have been required to pay in connection with a similar purchase on December 31, 1950.

(c) *Terms of sale.* You must adjust the ceiling prices determined in accordance with section 3 or 4 of this regulation to reflect all cash discounts which you had in effect on December 31, 1950, and such prices must carry all guarantees, servicing terms and other applicable conditions of sale which you had in effect on that date. You may make a charge for the extension of credit to a purchaser if you customarily made a charge therefor on December 31, 1950, but the amount of such charge must not be greater than that which you had in effect on that date.

(d) *Geographical differentials.* If on December 31, 1950, you customarily charged a premium for brass mill products delivered from a point in the State of California, Oregon, or Washington, you may charge such a premium for deliveries made from any such point. Such premium may not exceed the cents per pound amount of the premium which you had in effect on December 31, 1950.

SEC. 6. *Applications for establishment of ceiling prices.* (a) If for any reason you are unable to determine a ceiling price for a brass mill product under the provisions of this regulation, you must apply to the Office of Price Stabiliza-

tion, Washington 25, D. C. for the establishment of a ceiling price.

(1) Any application pursuant to this paragraph must be made by registered mail and must contain the following information: your name and address; the location of your brass mill; a description of the product for which a ceiling price is to be established; the name and metallic analysis of the alloy from which it is to be made; a statement of the reasons why you are unable to determine a ceiling price under the provisions of this regulation; and a proposed ceiling price.

(2) Any ceiling price established by the Office of Price Stabilization pursuant to this section will be in line with the ceiling prices otherwise established in this regulation.

(3) After receipt of an application pursuant to this section, the Office of Price Stabilization may approve or disapprove your proposed ceiling price, establish a different ceiling price, or request additional information. Pending any such action, you may sell the product covered by your application at your proposed ceiling price provided that you agree with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price established by the Office of Price Stabilization. If the Office of Price Stabilization has not acted upon your application within 30 days of the receipt thereof, your proposed ceiling price shall be deemed to be established for all deliveries made between the date of filing of your application and the date of any order issued by the Office of Price Stabilization disposing of your application.

(b) If you are required to file an application pursuant to paragraph (a) of this section, and do not do so, the Office of Price Stabilization may issue an order establishing ceiling prices for you. Any ceiling price set forth in any such order will be in line with the ceiling prices otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

SEC. 7. *Definitions.* When used in the regulation, the term:

(a) "Copper base alloy" means any alloy in which the percentage of copper by weight is 40 percent or more of the total weight of the alloy.

(b) "Copper refiner or smelter" means any person who produces, by a process of electrolysis or fire refining, copper and copper base alloy in any refinery shape.

(c) "Person" includes an individual corporation, partnership, association, or any other organized group of persons, or legal successors or representative of any of the foregoing, the United States or any agency thereof, or any other government or any of its political subdivision or any agency of the foregoing.

(d) "Producer" means any person who manufactures sheet, strip, rod, bar, tube, pipe, extrusion, anode or other shape made from copper or copper base alloy or any nonelectrical wire made from

copper base alloy. It includes primary mills who partially or completely manufacture such products from the casting to the finished state, and secondary re-rolling or redrawing mills who purchase semifinished material from a primary mill and complete the manufacture of such products.

(e) "Purchaser of the same class" refers to your practice of charging different prices for sales to different purchasers or kinds of purchasers. Such practice may be based on the characteristics or distributive level of the buyer (for instance, distributor, manufacturer, wholesaler, jobber, individual retail store, retail chain, mail order house, government agency, public institution or individual consumer) or on the location of the purchaser, the quantity purchased by him, or whether he purchased for cash or on credit. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer constitutes a separate class of purchaser.

(f) "You" means any producer of brass mill products.

SEC. 8. Transfers of business or stock in trade. If the business, assets or stock in trade of a producer of brass mill products are sold or otherwise transferred after the issuance of this regulation, and the transferee carries on the business, or continues to deal in the same products, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 9. Excise, sales, and similar taxes. Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sale of a product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 10. Record-keeping and filing requirements—(a) Record keeping. (1) You must keep for inspection by the Office of Price Stabilization, for a period of two years, complete and accurate records of each sale of any brass mill product showing: The date thereof, your name and address and the name and address of the purchaser; a complete description of the products sold including the quantity of each item, the alloy from which it was made, the size, length, finish, quality or other factor affecting the price; the amount of any extras or deductions; the amount of any preferentials, differentials, discounts, or freight allowances; and the amount of any other factor pertinent to a determination of your ceiling price.

(2) If you charge an unpublished extra in accordance with the provisions of this regulation you must keep complete and accurate records of such extras for inspection by the Office of Price Stabilization for a period of two years.

(b) **Filing requirements.** You must file with the Office of Price Stabilization, Washington 25, D. C. within thirty days of the date of issuance of this regulation all published lists showing the quantity differentials, extras, adjustments to extras and any discounts in effect on December 31, 1950 which you are required to use in determining ceiling prices in accordance with the provisions of this regulation.

SEC. 11. Penalties. Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement action, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 12. Petitions for amendment. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

Effective date. This regulation shall become effective August 23, 1951.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 23, 1951.

[F. R. Doc. 51-10304; Filed, Aug. 23, 1951;
11:09 a. m.]

[Ceiling Price Regulation 56, Amendment 3]

CPR 56—CEILING PRICES FOR CERTAIN
PROCESSED FRUITS AND BERRIES OF THE
1951 PACK

EXTENDING TIME FOR FILING REPORTS, AND
CHANGE IN THE EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 56 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 56 extends the effective date of the regulation from August 20, 1951, to September 1, 1951, or such earlier date between July 31, 1951, and September 1, 1951, as a processor may select. The time for filing reports under the regulation is also extended to September 1, 1951 or 5 days after the item is offered for sale, whichever is later.

This action is taken because representations made to the Director of Price Stabilization by a substantial group of processors in different parts of the country make it plain that additional time is necessary to collect pertinent data. In view of the urgent character of this action, further consultation with

representatives of the industry was deemed impractical.

AMENDATORY PROVISIONS

Ceiling Price Regulation 56 is amended in the following respects:

1. Section 19, paragraph (b) is amended by deleting the period at the end thereof and adding the following: "or by September 1, 1951, whichever date is the later".

2. The effective date section of this regulation is changed as follows:

Effective date. The effective date of this regulation is September 1, 1951, or such earlier date between July 31, 1951, and September 1, 1951, as you may select. If you select an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

AUGUST 23, 1951.

[F. R. Doc. 51-10306; Filed, Aug. 23, 1951;
2:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 50]

GCPR, SR 50—SODIUM SILICOFLOURIDE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 50 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits manufacturers of sodium silicofluoride to increase their ceiling price on sales of this commodity to 7 cents per pound, when sold in 100 pound paper bags, in carload lots, and to 7.5 cents per pound, when sold in less than carload lots, if their present ceiling prices are below these levels. A provision is made for a differential when sodium silicofluoride is sold in barrels or drums. Manufacturers whose ceiling prices are above these levels may continue to sell at their present ceiling prices and are unaffected by this supplementary regulation. The major producers will, however, be permitted to increase their ceiling prices as a result of this supplementary regulation. The ceiling prices of the major producers under the General Ceiling Price Regulation ranged between 5 and 6 cents per pound, in carload lots, of 100 pound paper bags.

Sodium silicofluoride has gained in importance recently because of the large growth in water fluoridation programs embarked upon by public authorities. Water fluoridation as a method of arresting decay of teeth is approved and promoted by the United States Public Health Service and is recommended by the American Dental Association. So-

dium silicofluoride is the preferred and most economical chemical for water fluoridation purposes, and the increase in water fluoridation programs has made an increase in production essential. Information received from the United States Public Health Service shows that the failure to expand production of sodium silicofluoride is a deterrent to the expansion of the water fluoridation programs.

Experience in recent years has shown that the volume of production of sodium silicofluoride is closely related to price. Sodium silicofluoride is recovered from a by-product in the acidulation of phosphate rock. Price declines in recent years have made fewer producers interested in recovering and selling sodium silicofluoride. The price of sodium silicofluoride reached its lowest point in the pre-Korean period, but had begun to recover in the freeze period of the General Ceiling Price Regulation. Even the prices in the latter period failed to reflect the impact of the new demand for the product and the new market conditions now being created.

The application of Ceiling Price Regulation 22 to sodium silicofluoride would have resulted in a rollback in prices and a possible diminution in the already inadequate production. The General Ceiling Price Regulation was, therefore, allowed to remain applicable to the commodity. Both the National Production Authority and the United States Public Health Service have advised the Director of Price Stabilization that a further increase in ceiling prices is necessary to bring forth the needed increase in production and to induce potential producers to enter the market. Consultation was had with representatives of the industry, both present producers and potential producers, and the recommendations and information received have been given careful consideration by the Director. On the basis of all the facts, it was concluded that the prices established by this regulation are necessary to bring about the needed increases in production of sodium silicofluoride.

The increase in the price of sodium silicofluoride is not expected to have a substantial effect on the costs of the few products into which that commodity enters.

In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Ceiling prices on sales of sodium silicofluoride by certain manufacturers.

Sec.

3. Applicability of the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, September 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this supplementary regulation does. This supplementary regulation permits certain manufacturers of sodium silicofluoride to increase their present ceiling prices on sales of that commodity. It also establishes ceiling prices for manufacturers who do not now have ceiling prices established for that commodity under the General Ceiling Price Regulation. However, if on the effective date of this supplementary regulation your ceiling prices under the General Ceiling Price Regulation for sodium silicofluoride are higher than those established by this supplementary regulation, you may retain the higher ceiling prices, and you are not affected by this supplementary regulation.

SEC. 2. Ceiling prices on sales of sodium silicofluoride by certain manufacturers. (a) If you are a manufacturer of sodium silicofluoride and your ceiling prices on sales of sodium silicofluoride are lower than the prices specified in paragraph (b) of this section, you may increase your ceiling prices to the prices set forth in paragraph (b) of this section. If you are a manufacturer of sodium silicofluoride, but do not have ceiling prices for this commodity established under the General Ceiling Price Regulation, your ceiling prices shall be the prices set forth in paragraph (b) of this section.

(b) The ceiling prices on sales of sodium silicofluoride by manufacturers coming within paragraph (a) of this section are as follows:

Quantity	Ceiling price per pound		
	100 pound paper bags	Barrels of approximately 350 pounds	Drums of approximately 125 pounds
In carload or truckload lots, f. o. b. plant.....	\$0.07	\$0.074	\$0.084
In l. c. l. or l. t. l. lots, f. o. b. plant.....	.075	.079	.089

SEC. 3. Applicability of the General Ceiling Price Regulation. Except to the extent modified by this supplementary regulation, the provisions of the General Ceiling Price Regulation remain applicable to sellers of sodium silicofluoride.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective August 28, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

AUGUST 23, 1951.

[F. R. Doc. 51-10302; Filed, Aug. 23, 1951; 11:08 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Wage Regulation 5, Revised, Amdt. 2]

GWR 5—ADJUSTMENTS FOR INDIVIDUAL EMPLOYEES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.; Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), General Wage Regulation No. 5, Revised, is amended as follows:

1. Section 2 (b) is amended to read as follows:

SEC. 2. Merit or length of service increases. * * *

(b) *Personal or random rate method of payment.* (1) It is recognized that in some establishments some jobs do not have formal rate ranges contained in written schedules in effect on January 25, 1951 but on that date (i) a diversity of rates was paid to incumbents or (ii) all the incumbents happened to be paid the same rates although there was a practice in effect of granting merit or length of service increases; or (iii) there was only one employee in a job classification in which it has been the practice to make merit or length of service increases; or (iv) wage rate schedules were in existence which set forth minimum job rates above which merit or length of service increases have been granted.

(2) Groups or establishments with such personal or random rate method of payment may make merit or length of service increases without prior approval of the Wage Stabilization Board within the following limitations: (i) The total amount of all merit and length of service increases combined that may be granted in the current calendar year to employees in a group, expressed as a percentage of the total of the straight-time rates, shall not exceed the corresponding percentage so granted in 1950 or six (6) per cent, and (ii) the maximum increases granted to any individual employee shall not exceed ten (10) per cent provided, however, that the maximum amount granted to the individual at the top of the group of random rates shall not exceed five (5) per cent in the calendar year and that no employee in the group may be raised to a wage rate in excess of the top compensated employee.

(3) Groups or establishments with personal or random rate method of payment which wish to establish a rate range or who desire approval of merit and length of service increases not covered by the above shall be required to make application to the Wage Stabilization Board.

2. Section 3 (a) is amended by adding the following subparagraph (4):

SEC. 3. Promotions or transfers to higher-paying jobs. (a) * * *

(4) Employees in groups with the personal or random rate method of pay-

ment promoted or transferred to higher-paid jobs may not be raised to a rate higher than the rate paid to any employee performing similar work as established by relevant payroll records.

3. Section 5 is amended by redesignating paragraphs (d) and (e) as paragraphs (e) and (f), respectively, and by adding the following new paragraph (d):

SEC. 5. Hiring rates. * * *

(d) Employees hired into groups with the personal or random rate method of payment may not be hired at a rate higher than the rate paid to any employee performing similar work for which the employee is hired as established by relevant payroll records.

4. Redesignated section 5 (f) is amended by substituting the phrase "in paragraphs (a), (d), or (e) above" for the phrase "in paragraphs (a) or (d) of this section."

(Sec. 7, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Adopted by the Board on August 17, 1951.

GEORGE W. TAYLOR,
Chairman.

[F. R. Doc. 51-10261; Filed, Aug. 22, 1951; 1:41 p. m.]

[Regulation 1, Amdt. 1]

REG. 1—CONSTRUCTION INDUSTRY STABILIZATION COMMISSION

PREAPPROVED WAGE AND SALARY PAYMENTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), and General Wage Regulation 12 (16 F. R. 6640), Construction Industry Stabilization Commission Regulation No. 1 is amended by adding new paragraphs (f) and (g) to section 4 to read as follows:

(f) *Apprentices.* An employer may, without further approval, advance an apprentice and increase his wage rate in conformity with the apprenticeship program established in the area and for his particular craft on July 26, 1951. When an area rate for journeymen of a particular craft is increased, an employer may, without further approval, increase the corresponding rates for apprentices so as to maintain the same percentage or cents-per-hour relationship to the journeyman's rate as existed under the apprenticeship program established in the area and for the craft on July 26, 1951. No change may be made in the established relationship between the journeymen's rates and the apprentices' rates without prior approval by the Commission.

As used in this paragraph the term "apprentice" means a person registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized agency exists in a State, it shall mean a program registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(g) *Foremen rates.* An employer may, without further approval, increase the wage rate for any foreman engaged on a project in accordance with a recognized collective bargaining agreement in effect, or the practice established for the craft in the area prior to July 26, 1951, provided the rate as adjusted maintains the differential which was established without violation of wage stabilization regulations in the particular area prior to July 26, 1951, or which was subsequently approved by the Board for such area, between the foremen's rate and the authorized rate for the proper related job classification.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Adopted by the Construction Industry Stabilization Commission: August 16, 1951.

ARCHIBALD COX,
THOMAS J. KALIS,
Co-Chairmen.

Approved by the Wage Stabilization Board: August 16, 1951.

GEORGE W. TAYLOR,
Chairman.

[F. R. Doc. 51-10260; Filed, Aug. 22, 1951; 1:41 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[Amendment 3 to CMP Regulation No. 1]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects CMP Regulation No. 1 as follows:

Paragraphs (d) and (e) of section 17 are amended to read as follows:

(d) If it develops, after a consumer has received delivery of controlled materials or Class A products, that he cannot use them for a purpose permitted under paragraph (b) of this section, he shall either (1) notwithstanding the provisions of CMP Regulation No. 2 or any other applicable regulation or order of NPA prescribing inventory limitations, hold the controlled materials or Class A products in his inventory for use in connection with future authorized production schedules, or (2) request instructions from the appropriate Claimant Agency or Industry Division as to the use or other disposition of such controlled materials or Class A products. Under no circumstances shall a consumer sell or otherwise transfer title to such controlled materials or Class A products

except pursuant to instructions from the appropriate Claimant Agency or Industry Division.

(e) When a consumer receives instructions from NPA as to disposition or use of controlled materials or Class A products, he must comply with such instructions. Also, he must comply with any instructions he receives from a Claimant Agency with respect to his use of controlled materials or Class A products which he obtained by use of an allotment from that Claimant Agency, in any program of the same Claimant Agency, or with respect to their sale to any other person for use in a program of the same Claimant Agency, subject always to whatever rights he may have to reimbursement.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Supp. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on August 22, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-10266; Filed, Aug. 22, 1951; 4:47 p. m.]

[CMP Regulation No. 1, Direction 6]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 6—RIGHT TO SPECIFY ALLOTMENT QUARTER

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. A manufacturer of a Class A product may request an allotment from his customer for the calendar quarter in which he needs it to obtain delivery of the controlled material for the manufacture of the Class A product or, if he is asking for an allotment to replace in inventory controlled materials he will use in producing the product, he may ask for an allotment for the calendar quarter in which the order is placed by the customer or for any of the next three calendar quarters. Such a manufacturer does not have to accept an order for the Class A product he makes unless his request for an allotment, within the above time limit, is complied with by the customer.

SEC. 2. A manufacturer of a Class A product must not ask for an allotment for a calendar quarter in which he cannot accept delivery of the controlled material under the provisions of CMP Regulation No. 2, which limits inventories of controlled materials.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This direction shall take effect on August 22, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-10267; Filed, Aug. 22, 1951;
4:47 p. m.]

[CMP Regulation No. 6, Direction 1 as
Amended August 22, 1951]

**CMP REG. NO. 6—CONSTRUCTION UNDER
THE CONTROLLED MATERIALS PLAN**

**DIR. 1—PROCEDURE FOR OBTAINING SMALL
QUANTITIES OF MATERIALS FOR USE IN
CONSTRUCTION PROJECTS**

This amended Direction 1 to CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because the direction affects many different industries.

Direction 1 to CMP Regulation No. 6 has been amended to the extent of adding the words "for delivery" in paragraphs (a), (b), and (c) of section 3 and by correcting an error in Schedule I. As so amended, Direction 1 to CMP Regulation No. 6 reads as follows:

Sec.

1. What this direction does.
2. Definitions.
3. Rules for continuing or commencing construction and use of self-authorization procedure.
4. Use of allotment symbols to obtain controlled materials.
5. Use of ratings to obtain materials other than controlled materials.
6. Certification.
7. Construction not affected by this direction.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071, sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. What this direction does. This direction constitutes a determination by the National Production Authority that persons desiring to continue or commence certain types of construction may do so without submitting applications on Form CMP-4C, if their total requirements of each controlled material do not exceed specified quantities. It also establishes a procedure whereby such persons may place authorized controlled material orders and DO rated orders for such construction. Such per-

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sons shall be subject to all NPA regulations and orders.

SEC. 2. Definitions. As used in this direction:

(a) "Project" means a construction plan contemplated for execution, irrespective of the time when it is to be carried into effect in full or in part, involving all or portions of a single building or structure, or involving two or more buildings or structures, or portions thereof, which are physically contiguous, or are parts of an integrated design or plan, so that each is an element of a single operation. In addition, a project also means a type of construction which is not a building or structure, but which requires a construction operation for its completion, such as a freight yard or a golf course. A project shall not be subdivided for the purpose of coming within the self-authorization provisions of this direction.

(b) "Residential structure" means any structure in which at least 50 percent of the floor space (excluding floor space devoted to stairways, halls, and other common space) is used or designed for permanent year-round dwelling purposes.

(c) "Multiunit residential structure" means any residential structure, such as an elevator-type apartment house, a garden-type housing project, or a dormitory (other than college), which includes more than four dwelling units (except that houses connected by common walls and commonly known as "row" houses shall be considered separate structures).

(d) "Construction" has the meaning as given in NPA Order M-4A.

(e) "Commence construction" has the meaning as given in NPA Order M-4A.

SEC. 3. Rules for continuing or commencing construction and use of self-authorization procedure. (a) A prime contractor may continue construction that has been commenced or commence construction, and use the self-authorization procedure provided in this direction to obtain priority assistance for delivery of materials and products after September 30, 1951, for use in construction (subject to the provisions of NPA Order M-4A dealing with limitations on use of materials and products in construction), without submitting an application on Form CMP-4C, if his total requirements for delivery after September 30, 1951, for completion of such construction, including material for Class A products, of each kind of controlled material do not exceed the amounts specified in Schedule I of this direction for the appropriate type of construction indicated therein.

(b) Prior to October 1, 1951, a prime contractor may commence construction of any building, structure, or project, other than the types listed in Table I of NPA Order M-4A and multi unit residential structures, without submitting an application on Form CMP-4C, if his total requirements for delivery after September 30, 1951, for completion of such construction, including material for Class A products, of each kind of controlled material do not exceed the amounts specified in Schedule I of this

direction for the appropriate type of construction indicated therein.

(c) Prior to October 1, 1951, a prime contractor may continue construction that has been commenced, of any building, structure, or project, other than the types listed in Table I of NPA Order M-4A and multi-unit residential structures (1) without submitting an application on Form CMP-4C, if his total requirements for delivery after September 30, 1951, for completion of such construction, including material for Class A products, of each kind of controlled material do not exceed the amounts specified in Schedule I of this direction for the appropriate type of construction indicated therein, or (2) by submitting an application on Form CMP-4C for authorization to continue construction after September 30, 1951, and an allotment of controlled materials, if his total requirements for delivery after September 30, 1951, for completion of such construction, including material for Class A products, of any kind of controlled material exceed the amounts specified in Schedule I of this direction for the appropriate type of construction indicated therein.

(d) After August 3, 1951, a prime contractor shall not commence construction, and after September 30, 1951, a prime contractor shall not continue construction that has been commenced, of a building, structure, or project of a type listed in Table I of NPA Order M-4A without receiving authorization pursuant to applications submitted on both Form CMP-4C and Form NPAF-24A to the appropriate Government Agency specified in NPA Order M-4A, unless his total requirements for completion of such construction, including material for Class A products, of each kind of controlled material do not exceed the amounts specified below:

Carbon steel.....	2 tons.
Alloy steel and stainless steel.....	None.
Copper and copper-base alloys.....	200 pounds.
Aluminum.....	None.

(e) After September 30, 1951, a prime contractor shall not continue construction that has been commenced or commence construction of a multi-unit residential structure without receiving authorization pursuant to an application submitted on Form CMP-4C to the appropriate field office of the Housing and Home Finance Agency (as indicated on the instruction sheet of that form). A prime contractor may, however, continue construction that has been commenced or commence construction of a multi-unit residential structure prior to October 1, 1951, without receiving such authorization if his total requirements for completion of such construction, including material for Class A products, of each kind of controlled material do not exceed the amounts specified below:

Carbon steel.....	25 tons.
Alloy steel and stainless steel.....	None.
Copper and copper-base alloys.....	2000 pounds.
Aluminum.....	None.

A prime contractor who desires to continue construction that has been commenced, or to commence construction of a multi-unit residential structure, prior to October 1, 1951, requiring more than

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the amounts of controlled materials specified above may request authorization to do so by submitting an application on Form CMP-4C to the Housing and Home Finance Agency, Washington 25, D. C.

(f) The self-authorization procedure provided in this direction may be used only in placing orders calling for delivery of materials and products after September 30, 1951, for use in construction other than the types listed in Table I of NPA Order M-4A and multi-unit residential structures.

SEC. 4. Use of allotment symbols to obtain controlled materials. Any person who may self-authorize delivery orders for controlled materials for use in construction by reason of this direction is authorized to use the following allotment symbols on orders calling for delivery after September 30, 1951, of controlled materials within the limits set forth in section 3 of this direction:

U-6 for industrial plants, factories, or facilities.

U-7 for residential structures other than multiunit residential structures.

U-8 for all other types of buildings, structures, or projects except those listed in Table I of NPA Order M-4A and multi-unit residential structures.

A delivery order designated as provided in this section when certified as provided in section 6 of this direction, shall constitute an authorized controlled material order. Such construction project or projects as may be erected with controlled materials obtained with the use of the allotment symbols provided for in this section plus controlled materials properly contained in inventory (pursuant to the provisions of CMP Regulation No. 2) shall constitute an authorized construction schedule for the purpose of all CMP regulations.

SEC. 5. Use of ratings to obtain materials other than controlled materials. Any person who may self-authorize delivery orders for controlled materials for use in construction by reason of this direction is authorized to use the rating DO with the appropriate allotment symbol provided for in section 4 of this direction on orders calling for delivery after September 30, 1951, of products and materials other than controlled materials required for such construction, except any items of construction machinery as defined in NPA Order M-43, and any items of metalworking machines as defined in NPA Order M-41. Delivery orders bearing such DO ratings shall be certified as provided in section 6 of this direction. The use of such DO rating shall be in accordance with the provisions of section 6 of CMP Regulation No. 6.

SEC. 6. Certification. Every delivery order placed by a contractor under the provisions of this direction shall contain a certification in the following form:

Certified under CMP Regulation No. 6

which shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an order under the provisions of this direction to obtain the products or materials covered by the delivery order.

SEC. 7. Construction not affected by this direction. The provisions of this direction do not apply to the types of construction which are subject to the provisions of NPA Order M-46B (Petroleum and Gas Industries), NPA Order M-50 (Electric Utilities), and NPA Order M-77 (Communications).

This direction shall take effect on August 22, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

TYPES OF CONSTRUCTION AND QUANTITIES OF CONTROLLED MATERIALS FOR WHICH THE SELF-AUTHORIZATION PROCEDURE MAY BE USED

Type of construction	Carbon steel excluding structural steel	Structural steel	Alloy steel and stainless steel	Copper and copper-base alloys	Aluminum
	Pounds (1)	Pounds (1)	Pounds (1)	Pounds 2,000	Pounds 1,000
Industrial plants, factories or facilities, per project, per calendar quarter.....					
Residential structures (using steel pipe water distribution systems) containing one dwelling unit, per structure ¹	1,800	None	None	35	None
Residential structures (using copper pipe water distribution systems) containing one dwelling unit, per structure ¹	1,450	None	None	160	None
Residential structures (using steel pipe water distribution systems) containing two dwelling units, per structure ¹	3,500	None	None	65	None
Residential structures (using copper pipe water distribution systems) containing two dwelling units, per structure ¹	2,750	None	None	300	None
Residential structures (using steel pipe water distribution systems) containing three dwelling units, per structure ¹	5,100	None	None	100	None
Residential structures (using copper pipe water distribution systems) containing three dwelling units, per structure ¹	4,100	None	None	450	None
Residential structures (using steel pipe water distribution systems) containing four dwelling units, per structure ¹	6,500	None	None	125	None
Residential structures (using copper pipe water distribution systems) containing four dwelling units, per structure ¹	5,200	None	None	575	None
All other types of buildings, structures, or projects, except those listed in Table I of NPA Order M-4A and multiunit residential structures, per project, per calendar quarter.....	(2)	(2)	None	200	None
Buildings, structures, or projects of the types listed in Table I of NPA Order M-4A.....	None	None	None	None	None
Multiunit residential structures.....	None	None	None	None	None

¹ 25 tons of carbon and alloy steel, including structural steel (not to include more than 2 1/4 tons of alloy steel and no stainless steel).

² Only one-half the quantities permitted under the self-authorization procedure may be used for an addition, extension, or alteration to or of an existing residential structure other than a multiunit residential structure.

³ 2 tons of carbon steel, including structural steel.

[F. R. Doc. 51-10268; Filed, Aug. 22, 1951; 4:47 p. m.]

[NPA Order M-80, Schedule A]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHEDULE A—NICKEL-BEARING STAINLESS STEEL, HIGH NICKEL ALLOY, AND NICKEL SILVER; CORRECTION

Schedule A to NPA Order M-80, as published in the FEDERAL REGISTER for August 17, 1951 (16 F. R. 8174), is hereby corrected as follows:

1. In the twenty-first line of section 2, the comma following the reference to subheading A-III shall be deleted and a period substituted therefor; the words "unless prohibited by subheading B-III" shall be deleted.

2. In the third line of section 3 (b) the word "and" shall be substituted for the comma following B-I.

3. In the fourth line of section 3 (b) following the reference B-II, the comma

and the words "and B-III" shall be deleted.

[F. R. Doc. 51-10269; Filed, Aug. 22, 1951; 4:50 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS
GULF OF MEXICO OFF MATAGORDA PENINSULA AND MATAGORDA ISLAND, TEX.

Correction

In F. R. Doc. 51-9713 appearing on page 8113 in the issue for Thursday, August 16, 1951, the fifteenth line of § 204.162 should read as follows: "latitude 28°16', longitude 96°08'; and".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 968]

[Docket No. AO-173-A5]

HANDLING OF MILK IN WICHITA, KANS., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Wichita, Kansas, on August 9, 1951, pursuant to notice thereof which was issued on July 31, 1951 (16 F. R. 7627).

Proposed amendments were submitted by the Wichita Milk Producers Association and by certain handlers subject to the order. The material issues of record related to the level of class prices, the classification of concentrated milk, provisions applicable to handlers under other Federal orders who distribute milk in the Wichita marketing area, changes in certain definitions of the order, the classification of milk transferred to unapproved plants, and the emergency character of marketing conditions.

This decision will consider only the issues with respect to:

(1) Prices for Class I and Class II milk to apply during the delivery periods for the remainder of the year 1951; and

(2) The emergency character of marketing conditions and the need for immediate change in the order provisions.

Decision with respect to all other issues is reserved for later consideration.

Rulings on proposed findings and conclusions. Rulings on proposed findings and conclusions are not necessary to this decision since neither briefs nor proposed findings and conclusions have been filed by interested parties with respect to the issues herein decided.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues to be considered in this decision, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) For the months of September, October, November and December 1951 the price differentials added to the basic formula price in determining the prices of Class I milk and Class II milk should be increased by 35 cents.

Conditions in the Wichita market are such as to indicate an acute shortage of milk during the coming fall and early winter months. Fluid milk sales have increased regularly during the past several years. The rate of such increase has accelerated during this period. The volume of fluid milk in 1950 exceeded the

1949 volume by more than 15 percent. Sales have continued to expand in 1951 and the July 1951 volume of Class I and II milk exceeded that for July 1950 by 19.5 percent.

The increased sales are the result in large measure of an expansion in population in the Wichita market. Critical defense industries, particularly aircraft manufacturing plants, are located within this area. As a consequence the demand for milk has expanded along with the enlarged armament production program of the government. More recent increases in milk sales can be attributed also to an increase in consumer incomes. There is every reason to believe that both population and incomes will continue at the present high levels or increase during the remainder of the year.

Milk production on the other hand has not kept pace. Increases in costs of production, coupled with very attractive returns from other farm enterprises have interfered with the acquisition of adequate milk supplies by handlers. Receipts of producer milk were only 1 percent greater and 4.8 percent less, respectively, in June and July than they were a year earlier.

As a result of increased sales and lagging milk production, supply and demand have been thrown out of balance to a marked degree. Only 11 percent of producer receipts were disposed of in Class III during July 1951 compared to 29 percent in July 1950.

Even though the seasonal variation in production of milk in the Wichita milkshed is less than in many milksheds, a production volume 12-14 percent less than that of July may be expected during the late fall months. Seasonal decreases in 1951 may well exceed the normal decrease. Pasture conditions as reported by milkshed producers appear excellent. However, prospects for feed crops which will be used this fall and early winter are rather poor. Excessive rainfall has interfered with the planting, cultivation and harvesting of these crops.

Handler and producer representatives both testified that considerable supplemental milk will need to be imported during the next few months. Arrangements already were completed at the time of the hearing to bring in supplemental supplies for use during the week following the hearing. Such milk is available to Wichita handlers only at a cost in excess of the prices presently paid by handlers and also above those contemplated by the amendment herein provided.

An immediate increase in prices for Class I and Class II milk appears to be the only means by which the threatened shortage in the Wichita market may be averted or alleviated. There must be additional incentive for new producers to come to the market and for producers now on the market to increase their production. Proposals were before the hearing for amendments which would increase the differentials now added to

basic formula prices in determining Class I and Class II milk prices, and eliminate the seasonal variation in such differentials. Adequate consideration of the evidence on such proposals will require analysis of many factors that are not involved in the pricing problem for the coming fall months. In order that some action may be taken to meet the immediate situation and permit analysis of the evidence concerning long range pricing problems of the market, it is concluded that a temporary increase in price differentials for the months of September through December 1951 should be provided.

The assurance of an increase of 35 cents in Class I and Class II prices will provide an incentive for producers to join the market at this time and likewise encourage producers now supplying the market to increase their production.

Higher prices than those provided herein might well disturb the price and supply relationships between Wichita and surrounding markets.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment and the acute shortage of supply now in prospect could not be averted. Accordingly, the time necessarily involved in the preparation, filing and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity of filing exceptions thereto with respect to the issues here considered was indicated on the record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended,

will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Wichita, Kansas, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of August 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area

§ 968.0 Findings and determinations. The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Replace the period (.) with a colon (:) at the end of § 968.50 (a) and add the following: "Provided, That for September through December 1951, inclusive, the Class I price shall be that determined pursuant to § 968.51 plus \$1.80."

2. Replace the period (.) with a colon (:) at the end of § 968.50 (b) and add the following: "Provided, That for September through December 1951, inclusive, the Class II price shall be that determined pursuant to § 968.51 plus \$1.55."

[P. R. Doc. 51-10207; Filed, Aug. 23, 1951; 8:53 a. m.]

[7 CFR Part 986]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

INCREASE IN SUPPLEMENTARY ALLOTMENTS OF 1951 CROP

Notice is hereby given that the Department is considering the issuance of

a proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 107 and Order No. 86, regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR Part 986), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the fifteenth day after publication of this notice in the FEDERAL REGISTER.

The Hop Control Board, established pursuant to the provisions of the aforesaid marketing agreement and order, at a duly called meeting in Yakima, Washington, on July 20, 1951, took action pursuant to the provisions of § 986.6 (c) (2) of said agreement and order, in respect to authorizing increases in supplementary salable allotments of hops issued to growers. It adopted by unanimous vote a resolution requesting in effect that the Secretary approve issuance of supplementary salable allotments of hops to growers upon request, not in excess of 80 percent of the respective growers' probable final salable allotments of 1951 crop hops, except that in case complete information in respect to any grower's 1951 hop crop production is available to the Growers Allocation Committee, such grower may be issued upon request, a supplementary salable allotment not in excess of 90 percent of his probable final salable allotment of 1951 crop hops.

Final salable allotments will probably not be issued to growers until late fall of this year, and after the production of hops by each grower and the total aggregate of hops by all growers have been determined by the Secretary. In the meantime the Hop Control Board considered it desirable to permit hops to be moved to domestic and foreign markets within growers' probable salable allotments with as little interference as is practicable. The Control Board believes that the issuance of a supplementary allotment not in excess of 90 percent of the probable final salable allotment of any grower, computed after complete production information is available for such grower, would be well within the grower's final salable allotment.

Similar administrative rules authorizing issuance of supplementary allotments up to 90 percent of growers' probable final salable allotments have been issued near the beginning of the last two marketing seasons.

The proposed rule is as follows:

§ 986.403 Supplementary allotments for 1951 crop hops. The supplement-

tary allotment to any grower for hops produced during the marketing season beginning August 1, 1951, shall be such as will not exceed 80 percent of such grower's probable salable allotment for 1951 crop hops, as provided in § 986.6 (c) (2) (ii) (b): *Provided*, That, when

complete information on the 1951 hop crop production of any grower is available to the Growers Allocation Committee, a supplementary allotment such as will not exceed 90 percent of that grower's probable salable allotment of 1951 crop hops shall be issued, upon application, to such grower.

Issued at Washington, D. C., this 20th day of August 1951.

[SEAL]

S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-10205; Filed, Aug. 23, 1951; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[465.232]

TARIFF CLASSIFICATION

NOTICE OF PROSPECTIVE CLASSIFICATION OF COLORED BALLS RESEMBLING TABLE-TENNIS BALLS AS PARTS OF TOYS

AUGUST 21, 1951.

It appears probable that a correct interpretation of paragraph 1513, Tariff Act of 1930, requires that colored balls having a construction similar to that of ping pong or table-tennis balls be classified thereunder at a rate of duty higher than that heretofore assessed on such articles under an established and uniform practice.

Pursuant to § 16.10a (d), Customs regulations of 1943 (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such articles under paragraph 1502, Tariff Act of 1930, as modified, as table-tennis balls is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of colored balls such as those described which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 51-10190; Filed, Aug. 23, 1951; 8:50 a. m.]

United States Coast Guard

[CGFR 51-36]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.002/38/0, Model 2 adult kapok life preserver, U. S. C. G.

Specification Subpart 160.002, manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati, Ohio.

Approval No. 160.002/39/0, Model 6 child kapok life preserver, U. S. C. G. Specification 160.002, manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati, Ohio.

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.002)

BUOYS, LIFE, RING, CORK OR Balsa WOOD

Approval No. 160.009/37/0, 30-inch balsa wood ring life buoy, Dwg. No. 5-10-51, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4-1, 33.01-5, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/12/2, container for emergency provisions, Dwg. No. 203-P, dated July 3, 1951, and Specification 203-S-1, dated July 5, 1951, manufactured by Globe Equipment Corp., 30-32 Gold Street, Brooklyn 1, N. Y. (Supersedes Approval No. 160.026/12/1, published in the FEDERAL REGISTER of June 1, 1951.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.15-1, 59.11)

LIFEBOATS

Approval No. 160.035/89/1, 16.0' x 5.7' x 2.3' steel oar-propelled lifeboat, 12-person capacity, identified by general arrangement and construction Dwg. No. 49R-1612, dated August 27, 1950, and revised November 8, 1950, manufactured by Lane Lifeboat and Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y. (Supersedes Approval No. 160.035/89/0, published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/174/1, 22' x 7.5' x 3.17' steel, motor-propelled lifeboat without radio cabin, 28-person capacity, identified by construction and arrangement Dwg. No. 22-2B, dated September 18, 1947, and revised May 18, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/174/0, published in the FEDERAL REGISTER December 2, 1948.)

Approval No. 160.035/204/1, 20.0' x 6.0' x 2.5' steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement Dwg. No. 20-1, dated October 29, 1947, and revised June 4, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/204/0, published in the FEDERAL REGISTER April 1, 1948.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 33.01-5, 59.13, 76.16, 94.15, 113.10, 160.035)

BOILERS, HEATING

Approval No. 162.003/116/0, Model M-500 heating boiler for steam or hot water service, all welded plate construction, Dwg. No. DAB-24912, dated June 20, 1951, and revised July 11, 1951, approved for a maximum design pressure of 30 p. s. i., 184,000 B. t. u. per hour or 184 pounds per hour. Approval limited to bare boiler. Manufactured by York-Shipley, Inc., York, Pa.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/18/1, Model 5AKS Swivel Type CD General Quick Aid Sno Fog Fire Guard 5-pound carbon-dioxide type hand portable fire extinguisher, Assembly Dwg. No. AC-205-X dated July 22, 1947, no revision, Nameplate Dwg. No. BC-205-2, dated February 4, 1947, Rev. October 22, 1948, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Supersedes Approval No. 160.005/18/0, published in the FEDERAL REGISTER February 12, 1948.)

Approval No. 162.005/21/0, Model 5AKS Swivel Type CD General Quick Aid Sno Fog Fire Guard 5-pound carbon-dioxide type hand portable fire extinguisher, Assembly Dwg. No. BC-205-X, dated July 22, 1947, no revision, Nameplate Dwg. No. BC-205-2 dated February 4, 1947, Rev. October 22, 1948, manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif.

Approval No. 162.005/22/0, Model 10AK Lever Type CD General Quick Aid Sno Fog Fire Guard 10-pound carbon dioxide type hand portable fire extin-

guisher, Assembly Dwg. No. BC-210-X, dated September 4, 1946, Rev. A dated September 6, 1946, Nameplate Dwg. No. CC-210-1G, dated March 6, 1950, Rev. 2 dated March 16, 1950, manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif.

Approval No. 162.005/23/0, Model 15AK Lever Type CD General Quick Aid Sno Fog Fire Guard 15-pound carbon dioxide type hand portable fire extinguisher, Assembly Dwg. No. BC-215-X, dated August 4, 1944, no revision, Nameplate Dwg. No. CC-215-1G, dated March 6, 1950, Rev. 2 dated March 16, 1950, manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.25-1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY CHEMICAL TYPE

Approval No. 162.010/1/1, Ansul 20-B dry chemical carbon-dioxide cartridge type hand portable fire extinguisher, Assembly Dwg. No. DV-1270, dated September 21, 1949, no revision, Nameplate Dwg. No. DV-1266 dated September 19, 1949, Rev. 1 dated December 12, 1949, manufactured by Ansul Chemical Company, Marinette, Wis. (Supersedes Approval No. 162.010/1/0, published in the FEDERAL REGISTER February 12, 1948.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275, 46 CFR 25.5-1, 26.3-1, 27.3-1, 28.3-5, 34.25-1, 61.13, 77.13, 95.13, 114.15)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/63/0, Morrison Fig. 153B pressure-vacuum relief valve, atmospheric pattern, weight-loaded pressure and vacuum poppets, all brass construction, Dwg. No. B4584, dated February 27, 1951, and revised March 12, 1951, and Dwg. No. B4585 dated March 6, 1951. Approved for size 2½". Manufactured by Morrison Bros. Co., Dubuque, Iowa.

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR 162.017)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/10/1, "Fiberglas Insulation Type TW-MC," glass wool insulation type Incombustible Material identical to that described in National Bureau of Standards Test Report No. TG3610-1493, FP 2569, dated November 10, 1947, and modified by Owens-Corning Fiberglas Corporation letter, dated July 11, 1951, approved in a 3 pounds per cubic foot density. (Supersedes Approval No. 164.009/10/0, published in the FEDERAL REGISTER February 12, 1948.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 50 U. S. C. 1275; 46 CFR 164.009)

FIRE INDICATING AND ALARM SYSTEMS

Smoke Detecting System, Audible, Type R, combined with carbon dioxide fire extinguishing systems; 110 and 220 volts direct current; 24, 32, and 40 line cabinets maximum; Drawing No. 157066 Rev. B dated February 13, 1951, and conversion of existing Combined Rich and Richaudio Smoke Detecting and carbon dioxide extinguishing systems to Type R system, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J. (Supersedes approval of Combined Rich and Richaudio System published in 1934.)

Smoke Detecting System, Audible, Type R; 110 and 220 volts direct current; 24, 32, and 40 line cabinets maximum; Drawing No. 157066 Rev. B dated February 13, 1951, and conversion of existing Richaudio Smoke Detecting Systems to Type R System, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J. (Supersedes approval of Richaudio System published in 1934.)

(R. S. 4405, 4471, 4491, 59 Stat. 1544, sec. 2, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 463, 463a, 489, 50 U. S. C. 1275; 46 CFR 61.16, 61.17, 77.16, 77.17, 95.15, 95.16, 114.16, 114.17)

Dated: August 20, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-10188; Filed, Aug. 23, 1951;
8:50 a. m.]

[CGFR 51-38]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because the items of equipment covered are no longer being manufactured or are being replaced by new designs:

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY CHEMICAL TYPE

Termination of Approval No. 162.010/2/0, Ansul 30, dry chemical carbon-dioxide cartridge type fire extinguisher, Assembly Dwg. No. DV-663 dated September 12, 1946, Rev. 3 dated December 3, 1946, Nameplate Dwg. No. DV-570 dated June 6, 1946, Rev. 2 dated July 5, 1946, manufactured by Ansul Chemical Co., Marinette, Wis. (Approved in FEDERAL REGISTER dated Feb. 12, 1948.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275, 46 CFR 25.5-1, 26.3-1, 27.3-1, 28.3-5, 34.25-1, 61.13, 77.13, 95.13, 114.15)

VALVES, PRESSURE VACUUM RELIEF

Termination of Approval No. 162.017/16/0, Morrison Fig. 148 pressure vacuum relief valve, weight loaded, atmospheric pattern, cast iron body, brass poppets, outlets fitted with monel flame screen,

Dwg. No. M-2500, dated September 25, 1941, approved for 3" vent, for use with inflammable or combustible liquids of Grade B or lower in direct atmospheric venting system, manufactured by Morrison Bros. Co., Dubuque, Iowa. (Approved in FEDERAL REGISTER of July 31, 1947.)

Termination of Approval No. 162.017/17/0, Morrison Fig. 149 pressure vacuum relief valve, weight loaded, atmospheric pattern, brass body, durable composition discs, pressure vent, Dwg. No. B-1231 dated December 18, 1936, approved for 3" diameter vents, for use with inflammable or combustible liquids of Grade B or lower in direct atmospheric venting system, manufactured by Morrison Bros. Co., Dubuque, Iowa. (Approved in FEDERAL REGISTER of July 31, 1947.)

Termination of Approval No. 162.017/18/0, Morrison Fig. 153-A pressure vacuum relief valve, atmospheric pattern, outlet fitted with monel flame screen, weight or spring loaded pressure poppet, cast iron body, brass poppets, Dwg. No. M-2498, dated September 23, 1941, approved for sizes 3", 4", and 6" for use with combustible or inflammable liquids of Grade A or lower, manufactured by Morrison Bros. Co., Dubuque, Iowa. (Approved in FEDERAL REGISTER of July 31, 1947.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR 162.017)

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

Dated: August 20, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-10189; Filed, Aug. 23, 1951;
8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

LIST OF STATE AND INSULAR AREA OFFICES

The listing of the State Offices and Insular Area Offices of the Production and Marketing Administration set forth in the September 24, 1948 daily issue of the FEDERAL REGISTER, 13 F. R. 5555 (formerly contained in 7 CFR 2300.3 (a)) is hereby revised to reflect the current location of such offices.

Alabama: Old Post Office Building, Montgomery.
Arizona: Union Investment Company Building, 415 South First Street, Phoenix.
Arkansas: 108½ West Third Street, P. O. Box 2781, Little Rock.
California: 2288 Fulton Street, Berkeley 4.
Colorado: 948 Broadway, Denver 3.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2594, Amdt. 1]

SOUTHWESTERN POWER ADMINISTRATION

AMENDMENT TO OFFICIAL ORGANIZATION HANDBOOK

Paragraphs A12.04, A12.05, and A12.20 of section 2 of Order No. 2594 (15 F. R. 7276) are amended to read as follows:

SEC. 2. *Amendment to Official Organization Handbook.* * * *

A12.04 *Division of Engineering.* The Division of Engineering formulates and executes policies and programs pertaining to system planning, engineering design, construction, and power production of the Administration's facilities. Coordinates its program and facilities with associated and interconnected generations and systems.

A12.04a The Planning Branch conducts system engineering and cost studies; prepares engineering recommendations for system additions, customers' facilities, system interconnection and construction programs.

A12.04b The Design and Production Branch designs system, drafts plans and specifications and conducts studies, tests and experiments relative to power, relays, protective equipment and communication systems. Conducts studies of power potentialities and power production in relation to utilization of water and power resources.

A12.04c The Construction and Survey Branch conducts land and location surveys, prepares maps and profiles, and is responsible for construction of all transmission lines, substations and related facilities. Prepares contract documents, administers contracts and is responsible for their fulfillment to final acceptance.

A12.05 *Division of Operations.* The Division of Operations formulates and executes policies and programs pertaining to the operation and maintenance of the Administration's power facilities.

A12.05a The System Operation Branch at Tulsa operates all power facilities of the Administration; administers contractual operation requirements; and operates and maintains metering, relaying, and laboratory facilities.

A12.05b The Maintenance Branch at Muskogee maintains all transmission lines, substations, and associated power facilities; operates and maintains communication facilities; and maintains and builds access roads, and maintains rights-of-way.

A12.05c The Administrative Branch at Muskogee develops Divisional annual budgets, coordinates Branch budget administration and control; develops and administers the Divisional supply program and schedules; administers Divisional personnel and office services program, maintains and controls transportation services; and operates and maintains garage and shop facilities.

A12.20 *Field Operations Center.* The Field Operations Center, under the

Division of Operations, is located at Muskogee, Oklahoma, with maintenance units located at Denison, Texas, Clarksville, Arkansas, and West Plains, Missouri. The Center includes the Maintenance Branch and the Administrative Branch. Patrol stations are established at Holdenville and Sallisew, Oklahoma, and at Yellville and Marshall, Arkansas. Additional maintenance units and patrol stations will be established as required.

R. D. SEARLES,
Acting Secretary of the Interior.

AUGUST 20, 1951.

[F. R. Doc. 51-10132; Filed, Aug. 23, 1951;
8:45 a. m.]

Petroleum Administration for Defense

NOTICE OF CERTIFICATION WITH RESPECT TO RESTRICTING USE OF NATURAL GAS IN VIRGINIA

AUGUST 22, 1951.

Take notice that the State Corporation Commission of the Commonwealth of Virginia has certified to the President that it has authority to restrict the use of natural gas and is exercising that authority to the extent necessary to accomplish the objectives of the Defense Production Act of 1950. As the result of the above-described Certification, and pursuant to section 704 Defense Production Act of 1950, as amended, the restrictions imposed by section 3, PAD Order No. 2, August 14, 1951, 16 F. R. 8111, are hereafter inapplicable in the Commonwealth of Virginia.

A. P. FRAME,
*Acting Deputy Administrator,
Petroleum Administration for
Defense.*

[F. R. Doc. 51-10301; Filed, Aug. 23, 1951;
10:36 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5043]

COMPAGNIE NATIONALE AIR FRANCE,
PERMIT CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Compagnie Nationale Air France, for a foreign air carrier permit and revision of a permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, and the Air Transport Services Agreement between the United States and France, March 27, 1946, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned to be held on August 28, 1951, is indefinitely postponed.

Dated at Washington, D. C. August 17, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-10147; Filed, Aug. 23, 1951;
8:46 a. m.]

Connecticut: 500 Capitol Avenue, Hartford 6.

Delaware: Courtney and Academy Streets, Newark.

Florida: Seagle Building, Gainesville.

Georgia: Old Post Office Building, Athens.

Idaho: P. O. Box 4068, 1524 Vista Street, Boise.

Illinois: Standard Office Building, 124-132 South Water Street, Decatur 12.

Indiana: Fifth Floor, Illinois Street Postal Building, Indianapolis 9.

Iowa: Tenth and Mulberry Streets, Onthank Building, Des Moines 7.

Kansas: 1122 Moro Street, Manhattan.

Kentucky: Mill and Maxwell Streets, Lexington 29.

Louisiana: P. O. Box 8597, University Station, Baton Rouge.

Maine: University of Maine, Orono.

Maryland: P. O. Box 38, University of Maryland, College Park.

Massachusetts: University of Massachusetts, Amherst.

Michigan: Cahill Building, 200 North Capitol Avenue, Lansing 4.

Minnesota: 210 Main Post Office Building, St. Paul 1.

Mississippi: P. O. Box 1251, Masonic Building, 1130 West Capitol Street, Jackson 5.

Missouri: I. O. O. F. Building, Tenth and Walnut Streets, Columbia.

Montana: P. O. Box 149, 211 North Grand Street, Bozeman.

Nebraska: Third Floor, Trust Building, Lincoln 1.

Nevada: 818 South Virginia Street, Reno.

New Hampshire: 29 Main Street, Durham.

New Jersey: College Farm, New Brunswick.

New Mexico: State College.

New York: Byrne Building 236 West Genesee Street, Syracuse 2.

North Carolina: State College Station, Raleigh.

North Dakota: 304 de Lendrecie Building, P. O. Box 2017, Fargo.

Ohio: 202 Old Federal Building, Columbus 15.

Oklahoma: Etherton Building, Sixth and Main Streets, Stillwater.

Oregon: 515 South West Tenth Avenue, Portland 5.

Pennsylvania: 928 North Third Street, Harrisburg.

Rhode Island: 71 Jackson Street, Providence 3.

South Carolina: P. O. Box 660, 1615 Hampton Street, Columbia 33.

South Dakota: 56 Third Street SE., Huron.

Tennessee: 129 Eighth Avenue, North Nashville 3.

Texas: AAA Building, College Station.

Utah: 222 Southwest Temple Street Old Terminal Building, Salt Lake City 1.

Vermont: 102 Adams Street, Burlington 14.

Virginia: 609 East Main Street, Richmond 19.

Washington: Room 301, Hutton Building South 9, Washington Street, Spokane 8.

West Virginia: 144 Pleasant Street, Morgantown.

Wisconsin: 117 Monona Avenue, Madison 3.

Wyoming: P. O. Box 1211, 345 East Second Street, Casper.

Alaska: University of Alaska, College, Alaska.

Hawaii: Hawaiian Area Office 303 Dillingham Building, Honolulu 16, T. H.

Puerto Rico and Virgin Islands: Caribbean Area Office P. O. Box 4349, San Juan 21, P. R.

Done at Washington, D. C., this 20th day of August 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 51-10145; Filed, Aug. 23, 1951;
8:46 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[Organization Order DTA 3]

ORGANIZATION AND FUNCTIONS; SUBMITTALS AND REQUESTS

Pursuant to the provisions of section 709 of the Defense Production Act of 1950, as amended, section 3 of the Administrative Procedure Act, Executive Order 10161, and Executive Order 10219, a description of the organization and functions of the Defense Transport Administration is hereby issued.

Sec.

1. Creation and authority.
2. Functions.
3. Staff Officials.
4. Operating Divisions.
5. Delegations of Authority.
6. Field offices.
7. Information, submittals, and requests.
8. Opinions and orders; inspection of public records.
9. Addresses.

AUTHORITY: Sections 1 through 9 issued under Sec. 10, Pub. Law 774, 81st Cong.; Sec. 3, 60 Stat. 238. Interprets or applies Title VII, Pub. Law 774, 81st Cong., as amended by Pub. Law 96, 82d Cong.; Sec. 3, 60 Stat. 238; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; E. O. 10219, Feb. 28, 1951, 16 F. R. 1983.

SECTION 1. Creation and authority. By Executive Order 10161 (15 F. R. 6105), the President conferred upon that Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission, among other things, certain functions vested in the President by Titles I, III, and VII of the Defense Production Act of 1950, as amended, with respect to domestic transportation, storage, and port facilities, as defined in said order, but excluding pipe lines, air transport, coastwise, intercoastal, and overseas shipping. For the purpose of carrying out the responsibilities conferred by Executive Order 10161, and in accordance with authority delegated in that Executive Order, the Commissioner described established on October 4, 1950, a Defense Transport Administration (Organization Order DTA 1, 15 F. R. 6728, as amended 16 F. R. 1677), at the head of which organization is an Administrator. The authority of the Defense Transport Administration has since been affected by the issuance of Executive Order 10193 (15 F. R. 9031); Executive Order 10200 (16 F. R. 61); Defense Production Administration Delegation 1, as amended (16 F. R. 738; 4594); and Executive Order 10219 (16 F. R. 1983).

Sec. 2. Functions. The general functions and responsibilities of the Defense Transport Administration with respect to domestic transportation, storage and port facilities are to:

(a) Assemble and analyze data with respect to requirements to be imposed on domestic transportation, port and storage systems and facilities and with respect to the ability of such systems and facilities to satisfy such requirements.

(b) Formulate such plans and programs, and take such actions, as may be desirable to meet requirements for domestic transportation, port facilities and

storage, including, among other things, programs and measures for increasing the efficiency and obtaining maximum utilization of domestic transportation, port and storage systems and facilities and for providing additional transportation, port and storage facilities.

(c) Coordinate and direct the domestic movement of passenger and freight traffic in cooperation with the Interstate Commerce Commission and private transportation organizations and agencies.

(d) Allocate the use of domestic transportation, port and storage facilities by operators thereof, and allocate domestic transportation, port and storage services to the users thereof.

(e) Administer such priorities as may be necessary to insure the movement of essential traffic or the storage of essential commodities, subject to such policies and orders as the Defense Production Administrator may prescribe.

(f) Act as claimant for materials and manpower for the construction, operation, maintenance, and repair of domestic transportation, port and storage systems and facilities, and pursuant to National Production Authority Delegation 14, as amended (16 F. R. 7628), act upon applications filed under National Production Authority Order M-4A and CMP Regulation 6, as amended.

(g) Cooperate with the Secretary of Commerce, the Secretary of Defense and the Secretary of the Interior to achieve the effective coordination of inland and ocean transportation and the efficient operation of all port facilities to meet military and civilian requirements.

(h) Cooperate with the Secretary of Defense and the Administrator of General Services to achieve the effective coordination and utilization of storage facilities.

(i) Utilize the services of the Interstate Commerce Commission and of such other Federal, State, and local agencies as the Administrator deems desirable in the performance of his functions.

(j) Make recommendations with respect to domestic transportation, storage and port facilities to the Defense Production Administrator for the issuance of certificates by that Administrator for defense loans for expansion of facilities under sections 302 and 303 of the Defense Production Act of 1950, as amended, (loans, purchases, commitments, etc.) as specified in paragraph 2 (b) of section 2 of Executive Order 10200, and in sections 303 and 304 of Executive Order 10161, as amended.

(k) Make recommendations with respect to domestic transportation, storage and port facilities to the Defense Production Administrator for the issuance of certificates for accelerated amortization for income tax purposes under subsection (e) of section 124A of the Internal Revenue Code, as added by section 216 of the Revenue Act of 1950.

(l) Carry out the consultations referred to in section 708 (a) of the Defense Production Act of 1950, as amended, and make recommendations to the Defense Production Administrator for the approval of voluntary agreements and programs as provided in section 708 of that act.

(m) Perform such other functions with respect to domestic transportation, storage and port facilities as may be assigned or delegated from time to time by the President or other agency of government.

Sec. 3. Staff Officials. The duties and responsibilities of the principal staff officials of the Defense Transport Administration are:

(a) **Administrator.** The Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission is ex officio the Administrator, and is responsible for the execution of the duties and responsibilities described in section 2 of this Organization Order DTA 3.

(b) **Deputy Administrator.** The Deputy Administrator serves as Acting Administrator during the absence of the Administrator from duty at his official headquarters in Washington, D. C., coordinates the functions performed by the operating divisions of Defense Transport Administration, and represents the Administrator in liaison with other agencies of Government at the highest levels, including the Bureau of Service and other units of the Interstate Commerce Commission.

(c) **Executive Assistant.** The Executive Assistant serves as Acting Administrator in the absence of both the Administrator and Deputy Administrator from official headquarters in Washington, D. C., provides advice, consultation, and assistance as to policies, programs, operational procedures, use of advisory bodies, planning studies, liaison with other agencies, and reports of agency activities. Serves as Executive Secretary of Defense Transport Administration's Interagency Advisory Committee on Domestic Transport, Storage, and Port Utilization. Performs such other special duties as may be assigned or required by the Administrator.

(d) **General Counsel.** The General Counsel serves as Acting Administrator in the absence of the Administrator, Deputy Administrator and Executive Assistant from official headquarters in Washington, D. C. Renders legal services to the Administrator, officers, and personnel with respect to the functions of the Defense Transport Administration, and represents the Administrator in liaison with other departments and agencies of the Government with reference to litigation and other matters involving questions of law.

(e) **Administrative Officer.** The Administrative Officer advises the Administrator on developing and prescribing overall agency administrative management policies, and directs and coordinates the administration of such policies, programs and procedures throughout the agency to provide personnel, budgetary planning and execution, fiscal, organization and procedural control, property, equipment, communications and other administrative services; maintains liaison with other Governmental agencies on overall administrative policies affecting the Defense Transport Administration.

(f) *Information Officer.* The Information Officer serves in a staff capacity to the Administrator, and is directly responsible for the information and public relations program of the Defense Transport Administration.

Sec. 4. Operating Divisions. Each operating division performs its duties subject to the control of the Administrator, and is in the immediate charge of a director, with functions as follows:

(a) *Railroad Transport Division.* (1) Except as provided in section 5, paragraph (a), of this Organization Order DTA 3, performs as to domestic railroad facilities and service the functions described in section 2, paragraphs (a) through (e), (g), (i), (l), and (m) of this Organization Order DTA 3, and cooperates with the Equipment and Materials Division and the Manpower Division as to the functions described in section 2, paragraph (f), and with the Tax Amortization and Defense Loan Branch as to those functions described in section 2, paragraphs (j) and (k), of this Organization Order DTA 3.

(2) The division consists of the Operations Branch, Roadway, Equipment and Manpower Branch, Research and Analysis Branch, and the field services unit.

(b) *Street and Highway Transport Division.* (1) Performs as to domestic street and highway transportation facilities (including for-hire carriers of property, private carriers of property, farm vehicles, intercity buses, urban transportation facilities, school transportation, taxicabs, hearses, ambulances, rental vehicles, and private passenger motor vehicles) the functions described in section 2, paragraphs (a) through (e), (g), (i), (l), and (m) of this Organization Order DTA 3, and cooperates with the Equipment and Materials Division and the Manpower Division as to the functions described in section 2, paragraph (f), and with the Tax Amortization and Defense Loan Branch as to those functions described in section 2, paragraphs (j) and (k) of this Organization Order DTA 3.

(2) The division consists of the Passenger Operations Branch, Property Operations Branch, Field Operations Branch, Equipment and Manpower Branch, and Management Branch.

(c) *Inland Water Transport Division.* (1) Performs as to inland water transport, including the operation of vessels on the Great Lakes and the inland waterway systems of the United States, the functions described in section 2, paragraphs (a) through (e), (g), (i), (l), and (m) of this Organization Order DTA 3, and cooperates with the Equipment and Materials Division and the Manpower Division as to the functions described in section 2, paragraph (f), and with the Tax Amortization and Defense Loan Branch as to those functions described in section 2, paragraphs (j) and (k) of this Organization Order DTA 3.

(2) The division consists of the Equipment and Manpower Branch, Allocations and Permits Branch, Field Operations Branch, and Research and Analysis Branch.

(d) *Warehousing and Storage Division.* (1) Performs as to domestic warehousing facilities, the functions described in section 2, paragraphs (a) through (e), (h), (i), (l), and (m), of this Organization Order DTA 3, and cooperates with the Equipment and Materials Division, and the Manpower Division as to the functions described in section 2, paragraph (f), and with the Tax Amortization and Defense Loan Branch as to those functions described in section 2, paragraphs (j) and (k) of this Organization Order DTA 3.

(2) The division consists of the Requirements and Facilities Branch, Refrigerated Branch, General Merchandise Branch, Bulk Commodities Branch, and field services unit.

(e) *Port Utilization Division.* (1) Performs as to domestic port facilities located on the Atlantic Coast, Pacific Coast, or Gulf of Mexico, those functions described in section 2, paragraphs (a) through (e), (g), (i), (l) and (m) of this Organization Order DTA 3, and cooperates with the Equipment and Materials Division and the Manpower Division as to the functions described in section 2, paragraph (f), and with the Tax Amortization and Defense Loan Branch as to those functions described in section 2, paragraphs (j) and (k) of this Organization Order DTA 3.

(2) The division consists of the Requirements and Facilities Branch, and Utilization and Traffic Control Branch.

(3) The Director of the division is Chairman of a Port Operations Committee, the members of which are the directors of the operating divisions and the Director, Bureau of Service, Interstate Commerce Commission.

(f) *Equipment and Materials Division.* (1) Performs as to the requirements of domestic transportation, storage and port facilities, the functions described in section 2, paragraphs (a), (b), (f), (i), (l) and (m) of this Organization Order DTA 3, and cooperates with all offices and divisions of the Defense Transport Administration in the performance of claimant agency functions relating to materials and equipment.

(2) The division consists of the Program Branch, Materials Branch, and Research and Analysis Branch.

(3) The Director of the division is Chairman of an Equipment and Materials Program Committee, the members of which are the program officers designated by the directors of the operating divisions.

(g) *Manpower Division.* (1) Performs as to the manpower problems of domestic transportation, port and storage facilities, the functions described in section 2, paragraphs (a), (b), (f), (i) and (m) of this Organization Order DTA 3, and cooperates with all offices and divisions of the Defense Transport Administration in the performance of claimant agency functions relating to manpower.

(2) The division consists of the Selective Service and Defense Department Specialist, Recruitment Specialist, Statistical Specialist, and Training and Utilization Specialist.

(3) The Director of the division is Chairman of a Manpower Program Com-

mittee, the members of which are the program officers designated by the directors of the operating divisions.

(h) *Tax Amortization and Defense Loan Branch.* Serves as the staff unit of the Defense Transport Administration in carrying out the functions described in section 2, paragraphs (j), (k) and (m) of this Organization Order DTA 3, and cooperates with all offices and divisions of the Defense Transport Administration in the performance of its functions.

Sec. 5. Delegations of authority. (a) By DTA Delegation 1 (15 F. R. 9004), authority has been delegated to the Director, Bureau of Service, Interstate Commerce Commission, to exercise the powers referred to in section 2, paragraph (d), of this Organization Order DTA 3, to allocate the use of railroad passenger-carrying equipment, subject to the general control and supervision of the Administrator of the Defense Transport Administration. The powers so delegated may be redelegated by the Director, Bureau of Service.

(b) By DTA Delegation 2 (16 F. R. 2046), the Director, Bureau of Motor Carriers, Interstate Commerce Commission, has been delegated authority with respect to street and highway transportation facilities to: (1) Conduct surveys and furnish reports to the Administrator on the adequacy of motor transportation and on the available supply and shortages in manpower, equipment, and parts for all street and highway transportation subject to the jurisdiction of the Defense Transport Administration; (2) organize and supervise industry program committees; (3) attend meetings involving street and highway transportation subjects and problems; (4) check individual applications made to the Defense Transport Administration by persons engaged in street and highway transportation; (5) make recommendations to the Administrator of Defense Transport Administration as to the issuance of appropriate emergency, temporary or special authorities to operators of street and highway transportation equipment or facilities, when such authority is required by general or special orders of the Defense Transport Administration; (6) obtain and report to the Defense Transport Administration such information respecting or affecting the operations, practices and business of any street or highway transport operator as may be required by any request, direction or order issued by the Defense Transport Administration; (7) supervise, regulate and control motor transportation subject to the jurisdiction of the Defense Transport Administration in accordance with any request, direction, general, special or specific order issued by the Defense Transport Administration. The exercise of such powers is subject to the general control and supervision of the Administrator and the Director, Street and Highway Transport Division. The powers so delegated may be redelegated by the Director, Bureau of Motor Carriers.

(c) In accordance with arrangements made between Defense Transport Administration and the Interstate Commerce

Commission, the field staffs of the Bureau of Motor Carriers and Bureau of Service of that Commission, and on behalf of Defense Transport Administration, gather information and perform such other functions specifically assigned or as may be delegated.

(d) By DTA Delegation 6 (16 F. R. 4149), the Administrator has delegated to the Administrator of the Petroleum Administration for Defense authority to perform the functions and exercise the powers conferred upon the Defense Transport Administration with respect to facilities required for bulk storage of petroleum and gas, subject to the reservations and conditions stated in DTA Delegation 6.

SEC. 6. *Field offices.* (a) The Defense Transport Administration has not established field offices, but has continuing representation in the field by the field organizations of the Bureau of Motor Carriers and the Bureau of Service, Interstate Commerce Commission, pursuant to the delegations referred to in section 5 of this Organization Order DTA 3.

(b) The locations of the field offices, Bureau of Motor Carriers, are as follows:

Alabama: District Supervisor, 208 Social Security Building, 2225 Third Avenue North, Birmingham.

Arizona: District Supervisor, 401 Security Building, Phoenix.

Arkansas: District Director, 515 East Second Street, Little Rock.

California: District Supervisor, 1519 U. S. Post Office and Courthouse, Los Angeles 12. District Director, 166 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2.

Colorado: District Director, 620 Central Savings Bank Building, Denver.

Connecticut: District Supervisor, 223 Federal Building, Hartford.

District of Columbia: District Supervisor, 1132 I. C. C. Building, Washington 25.

Florida: District Supervisor, 338 Post Office Building, P. O. Box 4946, Jacksonville 1. District Supervisor, 305 Tallahassee Administration Building, Tallahassee.

Georgia: District Director, 809 Standard Building, Atlanta 3.

Idaho: District Supervisor, 619 Idaho Building, Boise.

Illinois: District Director, 852 U. S. Customhouse Building, 610 South Canal Street, Chicago 7. District Supervisor, 602 First National Bank Building, Springfield.

Indiana: District Supervisor, 361 Federal Building, Fort Wayne 2. District Supervisor, 257 Federal Building, Indianapolis 4.

Iowa: District Supervisor, 904 Davenport Bank Building, Davenport. District Supervisor, 211 Federal Office Building, Des Moines 9. District Supervisor, 319 Post Office Building, Sioux City.

Kansas: District Supervisor, 407 Schweiter Building, Wichita 2. District Supervisor, 309 Federal Building, Topeka.

Kentucky: District Supervisor, 409 Post Office Building, Lexington. District Supervisor, 523 Post Office Building, Louisville 2.

Louisiana: District Supervisor, 634 Federal Building, New Orleans.

Maine: District Supervisor, 411 Clapp Memorial Building, Portland 3.

Maryland: District Supervisor, 204 Appraisers Store Building, Baltimore 2. District Supervisor, 206-B Post Office Building, Salisbury.

Massachusetts: District Director, 1220 North Station Office Building, 150 Causeway Street, Boston 14. District Supervisor, 420 Federal Building, Springfield 3.

Michigan: District Supervisor, 456 Federal Building, Detroit 26. District Supervisor, 1608 Olds Tower Building, Lansing 8.

Minnesota: District Director, 107 Federal Office Building, Minneapolis 1.

Missouri: District Director, 912 Baltimore Avenue, Kansas City 6. District Supervisor, 1006 U. S. Courthouse and Customs Building, St. Louis 2.

Montana: District Supervisor, 413 Electric Building, Billings.

Nebraska: District Supervisor, 318 U. S. Post Office and Courthouse, Lincoln 8. District Supervisor, 506 W. O. W. Building, Omaha 2.

New Hampshire: District Supervisor, 6 Campbell Street, Lebanon.

New Jersey: District Supervisor, 511 Industrial Office Building, 1060 Broad Street, Newark 2. District Supervisor, 410 Post Office Building, Trenton 9.

New Mexico: District Supervisor, 401 Sunshine Building, Albuquerque.

New York: District Supervisor, 417 Federal Building, Albany 1. District Supervisor, 906 Genesee Building, Buffalo 2. District Director, 641 Washington Street, New York 14. District Supervisor, 711 Press Building, Binghamton 60. District Supervisor, 910 Chimes Building, Syracuse 2.

North Carolina: District Director, 240 Post Office Building, Charlotte 2. District Supervisor, 315 Post Office Building, Raleigh.

North Dakota: District Supervisor, 15 Edwards Building, 20½ Broadway, Fargo.

Ohio: District Supervisor, 413 Federal Building, Cincinnati 2. District Supervisor, 519 Federal Building, Cleveland 14. District Director, 311 Old Post Office Building, Columbus 15. District Supervisor, 17 Old Post Office Building, Toledo 4.

Oklahoma: District Supervisor, 336 Oklahoma Natural Building, Oklahoma City 2. District Supervisor, 605 Ritz Building, Tulsa 3.

Oregon: District Director, 323 Pittcock Block, Portland 5.

Pennsylvania: District Supervisor, 506 Dauphin Building, Harrisburg. District Director, 819 City Centre Building, 121 North Broad Street, Philadelphia 7. District Supervisor, 1025 New Federal Building, Pittsburgh 19. District Supervisor, 340 Post Office Building, Scranton 1.

Rhode Island: District Supervisor, 1017 Industrial Trust Building, Providence 3.

South Carolina: District Supervisor, 311 Methodist Center, 1420 Lady Street, Columbia 56.

South Dakota: District Supervisor, 201 Post Office Building, Pierre.

Tennessee: District Supervisor, 207 Post Office Building, Memphis 3. District Director, 630 Third National Bank Building, Nashville 3.

Texas: District Supervisor, 12 Post Office Building, Amarillo. District Supervisor, 432 Terminal Annex Building, P. O. Box 6095, Dallas 2. District Director, 627 Texas and Pacific Building, Fort Worth 2. District Supervisor, 614 Federal Office Building, Houston 14. District Supervisor, 583 Post Office Building, P. O. Box 36, San Antonio 6.

Utah: District Director, 420 Continental Bank Building, Salt Lake City 1.

Virginia: District Supervisor, 608 Parcel Post Building, Richmond 19. District Supervisor, 115 Carlton Terrace Apartment, 920 South Jefferson Street, Roanoke 11.

Washington: District Supervisor, 352 Federal Office Building, Seattle 4. District Supervisor, 206 Post Office Building, Spokane 8.

West Virginia: District Supervisor, 101 United States Courthouse, Charleston 1. District Supervisor, 526 Hawley Building, Wheeling.

Wisconsin: District Supervisor, 425 Union Trust Building, Madison 3. District Supervisor, 1106 First Wisconsin National Bank Building, 735 North Water Street, Milwaukee 2.

(c) The locations of the field offices, Bureau of Service are as follows:

Alabama: Service Agent, 443 United States Customs Building, Mobile.

Arizona: Service Agent, 401 Security Building, Phoenix.

California: Service Agent-Supervisor, 823 Federal Building, Los Angeles 12. Service Agent-Supervisor, 101 Federal Office Building, San Francisco 2.

Colorado: Service Agent, 536-A New Custom House, Denver 2.

District of Columbia: Chief Explosives Agent, 7109 ICC Building, Washington 25.

Florida: Service Agent-Supervisor, 338 Federal Building, P. O. Box 4932, Jacksonville 1.

Georgia: Service Agent, 509 Forsyth Building, Atlanta 3.

Idaho: Service Agent, Pocatello.

Illinois: Division Agent, 802 U. S. Courthouse, Chicago 4.

Iowa: Service Agent, 211 Federal Office Building, Des Moines.

Kentucky: Service Agent, 628 Post Office Building, Louisville 2.

Kansas: Service Agent, Room 408 Schweiter Building, 104 North Main Street, Wichita.

Louisiana: Service Agent-Supervisor, 410 Delta Building, New Orleans 12.

Maryland: Service Agent, 202 U. S. Appraisers Stores Building, 103 South Gay Street, Baltimore.

Massachusetts: Service Agent, 1701 Federal Building, Boston 9.

Michigan: Service Agent, 130 West Larned Street, Detroit 26.

Minnesota: Service Agent, 900 Metropolitan Building, Minneapolis 1.

Missouri: Service Agent, 938 New Federal Building, St. Louis 1. Service Agent, 838 U. S. Courthouse, Kansas City 6.

Montana: Service Agent, 231 Alderson Avenue, Billings.

Nebraska: Service Agent, 415-B U. S. Post Office, Omaha 2.

New Jersey: Service Agent, 312 Spingarn Arcade Building, 591 Summit Avenue, Jersey City 6.

New Mexico: Service Agent, 311 Federal Building, Albuquerque.

New York: Service Agent, 711 Press Building, Binghamton. Service Agent, 326 Post Office Building, Buffalo 3. Service Agent-Supervisor, 924 Federal Building, 641 Washington Street, New York 14.

North Dakota: Service Agent, 700 Front Street, % Earle Hotel, Fargo.

Ohio: Service Agent, 786 Arcade Building, 401 Euclid Avenue, Cleveland. Service Agent, Room 311, Old Post Office Building, Columbus. Service Agent, 5427 Three Hundred and Third Street, Toledo 11.

Oregon: Service Agent, 211 United States Court House, Portland 5.

Pennsylvania: Service Agent, 806 United States Customhouse, Philadelphia 6. Service Agent, 1012 Fulton Building, 107 Sixth Street, Pittsburgh 22.

South Carolina: Service Agent, 287 Coming Street, P. O. Box 94, Charleston.

Tennessee: Service Agent, 207 Post Office Building, Memphis.

Texas: Service Agent, Room 12, Post Office Building, Amarillo. Service Agent, 400 U. S. Terminal Annex, P. O. Box 5392, Dallas. Service Agent-Supervisor, 818 Milam Building, Houston.

Utah: Service Agent, 420 Continental Bank Building, Salt Lake City 1.

Virginia: Service Agent, 423 Post Office Building, Norfolk 1.

Washington: Service Agent, 324 Post Office Building, Spokane 8.

West Virginia: Service Agent, 517 Linden Road, Charleston.

Wisconsin: Service Agent, 3521 West Highland, Milwaukee.

SEC. 7. *Information, submittals, and requests.* (a) Except as otherwise stated herein, or provided in published

instructions, orders, or directions issued by Defense Transport Administration, and except to the extent that there is involved any function of the United States requiring secrecy in the public interest, or relating only to the internal management of the Administration, information regarding the Administration and matters within its jurisdiction may be obtained upon request from the Information Officer, Defense Transport Administration, Washington 25, D. C.

(b) Except to the extent that there is involved any function of the United States requiring secrecy in the public interest, or relating to the internal management of the Administration, information regarding the following matters may also be obtained at the offices described below:

(1) Railroad transport from the field offices of the Bureau of Service of the Interstate Commerce Commission located as set forth in section 6 (c).

(2) Street and highway transport from the field offices of the Bureau of Motor Carriers of the Interstate Commerce Commission located as set forth in section 6 (b).

(c) Submittals and requests are to be made to such officers or persons at such places and in such manner as may be prescribed by published instructions, orders, or directions issued by Defense Transport Administration from time to time. Any other submittal or request may be made to the Administration at its headquarters in Washington, D. C.

SEC. 8. Opinions and orders; inspection of public records. (a) All final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) shall be available for public inspection at the office of the Information Officer at the Administration's headquarters in Washington during usual office hours. Copies of such opinions or orders may be secured from the Information Officer upon payment of the cost of reproducing them when no extra copies are available.

(b) Save as otherwise required by statute, other matters of official record, except information held confidential for good cause found, will be made available by the Information Officer to persons properly and directly concerned at the Administration's headquarters in Washington during usual office hours, except during such times as inspection would unduly interfere with work in progress.

SEC. 9. Addresses. The headquarters of the Defense Transport Administration is located in the Interstate Commerce Commission Building, 12th and Constitution Avenues, NW., Washington, D. C., and the addresses of the appropriate field offices are set out in sections 6 of this Organization Order DTA 3.

Issued at Washington, D. C., this 21st day of August 1951.

HOMER C. KING,
Acting Administrator,
Defense Transport Administration.

[F. R. Doc. 51-10298; Filed, Aug. 23, 1951;
9:38 a. m.]

ECONOMIC STABILIZATION AGENCY

[General Order 10]

GO 10—POLICY AND ORGANIZATION FOR STABILIZATION COMPLIANCE

Sec.

1. Purpose.
2. Legal basis.
3. Decentralized operations.
4. Compliance policy.
5. Committee on compliance policy.
6. Effect on other orders.

SECTION 1. Purpose. .01 The purpose of this order is to outline the compliance policies and provide for coordination of the compliance activities of the Economic Stabilization Agency.

SEC. 2. Legal basis. .01 The basic authority for the establishment of a price, wage and salary stabilization compliance program is contained in Title IV and VII of the Defense Production Act of 1950 (Pub. Law 774, 81st Congress). This authority is implemented by the terms of Executive Order No. 10161 of September 9, 1950; Executive Order No. 10182 of November 21, 1950; Executive Order No. 10205 of January 3, 1951; and Executive Order No. 10233 of April 21, 1951.

.02 The Defense Production Act of 1950 (Pub. Law 774, 81st Congress) provides in section 403 that the Economic Stabilization Agency shall not delegate the enforcement of controls to any other agency or department. In sections 409 (b) and 706 (b) the act also provides that litigation shall be under the supervision and control of the Attorney General.

.03 The basic authority for the establishment of a rent stabilization compliance program is contained in the Housing and Rent Act of 1947, as amended (Public Law 129, 80th Congress, as amended by Public Laws 422 and 464, 80th Congress, Public Laws 31, 574, and 880, 81st Congress, and Public Laws 8 and 96, 82d Congress). This authority is implemented by the terms of Executive Order No. 10161 of September 9, 1950, and Executive Order No. 10276 of July 31, 1951 (16 F. R. 7535). The Housing and Rent Act of 1947, as amended, provides in section 206 (e) that attorneys appointed by the agency may, under such authority as may be granted by the Attorney General, appear for and represent the United States in any case arising under the act. A general delegation of such authority has been granted by the Attorney General (14 F. R. 6097).

.04 Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105) authorizes the Economic Stabilization Administrator to define the internal organization of the Economic Stabilization Agency.

SEC. 3. Decentralized Operations. .01 **Delegation of authority.** The Administrator's policy is to decentralize operating authority to the fullest practicable extent consistent with his responsibility for the conduct of the Agency's activities in a reasonable, sound and efficient manner under general policies prescribed by him. Pursuant thereto, the

heads of all constituent organizations of the Economic Stabilization Agency are hereby delegated authority to conduct such compliance and enforcement programs as may be necessary and appropriate within their respective organizations subject to program and policy clearance with the Administrator.

.02 **Policy coordination.** The Administrator's authority and responsibility for an effective program of compliance and enforcement throughout the Agency will be, insofar as the law allows, exercised with the aid of a Committee on Compliance Policy (see section 5), primarily through general program clearance and review, and through the establishment of appropriate general policies for the coordination and guidance of the constituent organizations. The heads of such organizations in turn will be responsible for the effective administration of appropriate compliance programs suited to the needs of their respective organizations, consistent with the broad policies outlined herein. Heads of constituent organizations may redelegate to their subordinates, subject to such additional conditions or limitations as they may see fit to prescribe, the authority delegated to them by this order.

.03 **Local authority.** Consistent with the necessity for reasonable program direction and coordination, enforcement and other forms of compliance responsibility shall be delegated insofar as practicable to field officials responsive to the needs of the local communities which they serve.

.04 **Policy liaison.** Responsibility for all liaison with the Department of Justice, Treasury Department, or other agencies of government on matters of compliance policy, as distinguished from routine liaison activities, is retained by the Administrator. For the purpose of providing the Administrator at all times with current information concerning the status and progress of the enforcement activities of the constituent agencies, copies of recommendations to the Department of Justice or other Federal agencies by the appropriate officers of the constituent agencies, calling for the application of criminal or civil sanctions under the act, shall be furnished to the Chairman of the Committee on Compliance if, in the judgment of such constituent enforcement official, either because of the intrinsic importance of the precedent involved, the sanctions requested or the identity of the defendant, the case should be considered a major one. Similarly a weekly list of all other recommendations of lesser importance shall be furnished to the Chairman. Upon a similar basis, copies of the replies of the Department of Justice in important cases, and a weekly list of the replies in other cases, shall be furnished. Liaison matters of a policy nature shall be referred to the Chairman of the Committee on Compliance Policy (see section 5) for appropriate action. Conversely, direct liaison is authorized between the constituent organizations and other Federal agencies on operational matters which do not involve significant new policies or cases of a policy-making nature.

.05 *Special Assistants to U. S. Attorneys.* The Department of Justice has agreed to designate an Office of Price Stabilization field attorney to serve as Special Assistant to each U. S. District Attorney, to assist that Department in the handling of price stabilization litigation matters, and the statutory control of the Department of Justice over litigation will be implemented through the control of the U. S. Attorneys over the actual conduct of litigation by these Special Assistants.

.06 *Office of Price Stabilization litigation.* Close relationship between the Department of Justice and the Office of Price Stabilization in the handling of criminal and civil matters arising under the Defense Production Act has been developed in the form of a mutual agreement between that Department and the Economic Stabilization Agency, subject to the review responsibility of the Committee on Compliance Policy under the terms outlined in this order.

.07 *Wage Stabilization Board enforcement.* The enforcement program of the Wage Stabilization Board is outlined in an enforcement resolution which the Board adopted on June 13, 1951 (16 F. R. 6028), and in an enforcement procedure resolution adopted June 28, 1951 (16 F. R. 7284), which program is hereby approved.

.08 *Salary stabilization.* The enforcement programs and procedures of the Office of Salary Stabilization will be outlined in regulations to be adopted with the approval of the Administrator, after clearance with the Committee on Compliance Policy.

.09 *Rent stabilization.* Within the framework of policy prescribed by the Economic Stabilization Administrator, and under the administrative direction of the Director, Office of Rent Stabilization, obtaining rent compliance will remain basically a function of the local area rent offices. In each case of a known violation, an attempt shall be made to bring the landlord into compliance. Generally, if there has been an overcharge, an attempt is made to obtain an adequate monetary settlement at a conference between the landlord and the tenant with an area office representative as negotiator. If compliance cannot be obtained, the case may be referred by the area office to one of the rent stabilization litigation offices for court action. These actions are brought and handled to conclusion by rent stabilization attorneys operating under a statutory delegation of authority, coordinated with the Attorney General.

Sec. 4. Compliance policy—01 General. It is the policy of the Economic Stabilization Agency to achieve the greatest possible compliance with both the letter and the spirit of Title IV of the Defense Production Act and with all implementing regulations designed to achieve economic stabilization, primarily by the voluntary cooperation of all Americans.

.02 *Voluntary compliance.* Primary reliance in the compliance program shall be placed on the achievement of voluntary compliance through the development of a sympathetic public

understanding of the need for economic stabilization activities and the reasons for the regulations designed and issued to meet such need. Concurrently, to facilitate voluntary compliance, continuing positive efforts shall be made in all constituent organizations: (1) To simplify stabilization regulations to the fullest practicable degree; (2) to distribute regulations quickly and economically to all concerned; (3) to publicize carefully and thoroughly the reasons for each regulation and its meaning in understandable terms; and (4) to minimize as much as possible, through simplified requirements, the burden of time and effort which compliance necessarily places on business, labor and the public.

.03 *Enforcement.* All constituent organizations shall conduct investigatory activities of a scope reasonably calculated to enable the detection of violations and an equitable and firm enforcement of the law. In cooperation with the Department of Justice and other Federal agencies, it shall be our policy vigorously to prosecute, and to seek and apply civil sanctions, for willful violation of stabilization regulations. Civil sanctions also will be sought in other cases where provided by applicable law, as in the case of rent overcharges.

.04 *Investigations.* Investigations for enforcement purposes shall be conducted with thoroughness and vigor, but also with scrupulous regard for the highest standards of individual rights under law, and due process of law.

Sec. 5. Committee on Compliance Policy—01 Establishment. There is herewith established in the Office of the Administrator a Committee on Compliance Policy. The Committee shall consist of the General Counsel of the Agency, who shall serve as Chairman, and the following members:

Assistant Administrator (Operations),
Assistant to the Administrator for Public Information, and

One Representative from each Economic Stabilization Agency constituent organization.

Additional and associate members may be designated by the Administrator as necessary.

.02 *Functions.* The basic responsibility of the Committee on Compliance Policy shall be to advise and assist the Administrator on matters of compliance policy and also on the state of compliance activities throughout the Agency. The Committee shall consider such matters in their broadest sense, giving attention to general informational and operational considerations as well as enforcement and litigation aspects. These shall include, but not be limited to, the following:

1. The standards and criteria used in choosing and applying sanctions and otherwise handling violations;
2. Timing, priority, emphasis, scope and adequacy among particular compliance objectives and programs;
3. Agency-wide participation in compliance to which all staffs shall contribute;
4. Cooperative arrangements among constituent agencies and with other Government agencies in Washington and the field; and

5. Adequacy of compliance authority and delegations.

The Committee shall consider individual orders, cases, investigations, and interpretations only as they raise broad policy problems.

.03 *Meetings.* The Committee shall hold its regular meetings on the second Monday of each month, beginning in September, 1951. Special meetings may be called by the Chairman as he deems necessary.

.04 *Monthly reports.* The Committee shall be furnished, in addition to any other information requested by the Committee through its Chairman, a report by each constituent organization of the Economic Stabilization Agency at the beginning of each month concerning compliance activities for the preceding month and programs planned for the succeeding month. Each such report shall include, but not be limited to, information concerning the following: (1) The simplification and distribution of regulations and orders; (2) information activities relating to compliance; (3) investigative and enforcement activities; (4) litigation and sanctions, and (5) other measures to obtain public support, understanding and cooperation. The Committee also may request such special reports as it deems necessary. After each monthly meeting of the Committee, the Chairman in turn shall submit a summary monthly report to the Administrator outlining the status of compliance activities throughout the Agency, to include each of the five items mentioned above.

.05 *Secretariat services.* Secretariat services for the Committee will be provided by the Reports and Secretariat Section of the Office of the Administrator.

Sec. 6. Effect on other orders. .01 General Orders Nos. 2, 3, 8 and 9 are specifically superseded to the extent that they are inconsistent herewith. Any other orders or parts of orders the provisions of which are inconsistent with the provisions of this order are hereby superseded or amended accordingly.

Issued: Washington, D. C., August 21, 1951, 4:10 p. m.

ERIC JOHNSTON,
Administrator.

[F. R. Doc. 51-10270; Filed, Aug. 22, 1951; 5:02 p. m.]

Office of Price Stabilization

[Region I, Redlegation of Authority No. 4]

DIRECTORS OF DESIGNATED DISTRICT OFFICES, REGION I

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, pursuant to delegation of authority No. 14 (16 F. R. 7431) this redelegation of authority is hereby issued.

1. Authority to act under General Ceiling Price Regulation, SR 45. Authority is hereby redelegated to the Di-

rectors of the Boston, Massachusetts, Springfield, Massachusetts, Providence, Rhode Island, Manchester, New Hampshire, and Hartford, Connecticut District Offices of the Office of Price Stabilization to act on all applications for adjustment under the provisions of sections 1 through 6 inclusive, of General Ceiling Price Regulation, SR 45, as amended.

This redelegation of authority is effective as of August 20, 1951.

JOHN M. O'ROURKE,
Director Regional Office No. I.

AUGUST 22, 1951.

[F. R. Doc. 51-10252; Filed, Aug. 22, 1951;
11:53 a. m.]

[Region 1, Redelelegation of Authority No. 5]

DIRECTOR OF HARTFORD, CONN., DISTRICT
OFFICE, REGION I

REDELEGATION OF AUTHORITY TO AUTHORIZE
MARKUPS IN EXCESS OF APPENDIX E OF
CPR 7, AND TO PERMIT PRICING METHODS
FOR SETS (GROUPS OF ARTICLES) TO WHICH
SERVICES HAVE BEEN ADDED AND FOR RE-
PAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, pursuant to delegation of authority No. 5 (16 F. R. 3672) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Director of the Hartford, Connecticut, District Office of the Office of Price Stabilization to authorize, by order, in accordance with section 39 (b) (3) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation.

2. Authority is hereby redelegated to the Director of the Hartford, Connecticut, District Office of the Office of Price Stabilization to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation.

3. Authority is hereby redelegated to the Director of the Hartford, Connecticut District Office of the Office of Price Stabilization to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold.

This redelegation of authority is effective as of August 20, 1951.

JOHN M. O'ROURKE,
Director Regional Office No. I.

AUGUST 22, 1951.

[F. R. Doc. 51-10253; Filed, Aug. 22, 1951;
11:53 a. m.]

[Region I, Redelelegation of Authority No. 6]

DIRECTOR OF HARTFORD, CONN., DISTRICT
OFFICE, REGION I

REDELEGATION OF AUTHORITY TO ACT ON
APPLICATIONS PERTAINING TO CERTAIN
FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, pursuant to delegation of authority No. 8 (16 F. R. 5659), as amended (16 F. R. 6640), this redelegation of authority is hereby issued.

1. Authority to act under sections 15 (c), 26a, 28a and 28b of CPR 14, sections 26, 26a, 27 and 30 (b) of CPR 15, and sections 22 (b), 24, 24a and 26 (b) of CPR 16. Authority is hereby redelegated to the Director of the Hartford, Connecticut, District Office of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 23a and 28b of CPR 14, sections 26, 26a, 27 and 30 (b) of CPR 15, and sections 22 (b), 24, 24a and 26 (b) of CPR 16.

2. Authority to act under section 21a of CPR 15. Authority is hereby redelegated to the Director of the Hartford, Connecticut, District Office of the Office of Price Stabilization to act on all applications, price actions and adjustments under the provisions of section 21a of CPR 15.

This redelegation of authority is effective as of August 20, 1951.

JOHN M. O'ROURKE,
Director of Regional Office No. I.

AUGUST 22, 1951.

[F. R. Doc. 51-10254; Filed, Aug. 22, 1951;
11:54 a. m.]

[Region I, Redelelegation of Authority No. 7]

DIRECTOR OF HARTFORD, CONN., DISTRICT
OFFICE, REGION I

REDELEGATION OF AUTHORITY TO ACT ON
APPLICATIONS PERTAINING TO CERTAIN
FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, pursuant to delegation of authority No. 13 (16 F. R. 6806) this redelegation of authority is hereby issued.

1. Authority to act under section 13 of CPR 11, as amended. Authority is hereby redelegated to the Director of the Hartford, Connecticut, District Office of the Office of Price Stabilization to act on all applications for price action and adjustment under the provisions of section 13 of CPR 11, as amended.

This redelegation of authority is effective as of August 20, 1951.

JOHN M. O'ROURKE,
Director Regional Office No. I.

AUGUST 22, 1951.

[F. R. Doc. 51-10255; Filed, Aug. 22, 1951;
11:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9999, 10000]

WATERTOWN RADIO, INC. AND WILLIAM C.
FORREST

ORDER AMENDING ISSUES

In re applications of Watertown Radio, Incorporated, Baraboo, Wisconsin, Docket No. 9999, File No. BP-7990; William C. Forrest, Reedsburg, Wisconsin, Docket No. 10000, File No. BP-8121; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of August 1951;

The Commission having under consideration the above-entitled application of William C. Forrest for a construction permit for a new standard broadcast station to be operated with the facilities 1400 kilocycles, 250 watts power, unlimited time at Reedsburg, Wisconsin;

It appearing, that the two above-entitled applications were designated for hearing in a consolidated proceeding by Commission order of July 5, 1951, but that on July 27, 1951, the above-entitled application of Watertown Radio, Incorporated was dismissed without prejudice;

It further appearing, that the remaining applicant, William C. Forrest is legally, technically, financially and otherwise qualified to operate the proposed station.

It is ordered, That upon the Commission's own motion, the Commission order of July 5, 1951, designating said application for hearing is amended to delete therefrom Issues No. 1, 3, and 8 and all reference to the application of Watertown Radio, Incorporated.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 51-10164; Filed, Aug. 23, 1951;
8:47 a. m.]

[Docket Nos. 9833, 10035]

CUSTER COUNTY BROADCASTING CO.
(KCNI) AND GRAND ISLAND BROADCAST-
ING CO.

ORDER DESIGNATING APPLICATION FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Custer County Broadcasting Company (KCNI), Broken Bow, Nebraska, Docket No. 9833, File No. BP-7679; Robert L. Lester, Wilbur J. Bachman, Jake Grasmick, Walter E. Siebert, Samuel N. Wolbach and Wick M. Heath, d/b as Grand Island Broadcasting Company Grand Island, Nebraska, Docket No. 10035, File No. BP-8169, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of August 1951;

The Commission having under consideration the above-entitled applica-

tions of the Custer County Broadcasting Company requesting a change in facilities of Station KCNI, Broken Bow, Nebraska, from 1490 kilocycles, 250 watts power, unlimited time to 1430 kilocycles, 1 kilowatt power, unlimited time and of the Grand Island Broadcasting Company requesting a construction permit for a new standard broadcast station to be operated on the frequency on 1430 kilocycles, 1 kilowatt power, unlimited time, using a directional antenna at night at Grand Island, Nebraska;

It appearing, that the above-entitled applications propose simultaneous co-channel operation in cities having a geographical separation of approximately 76 miles;

It further appearing, that, by order of November 14, 1950, the above-entitled application of Custer County Broadcasting Company was designated for hearing upon issues specified therein; and that said hearing is presently scheduled to commence August 23, 1951, at Washington, D. C.;

It is ordered, That, pursuant to § 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Grand Island Broadcasting Company is designated for hearing in consolidation with the hearing heretofore ordered on the above-entitled application of Custer County Broadcasting Company upon the following issues:

1. To determine the technical, financial, and other qualifications of the corporate applicant, its officers, directors, and stockholders to operate Station KCNI, as proposed and the legal, technical, financial and other qualifications of the applicant partnership and its partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and of Station KCNI, as proposed, would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and of Station KCNI, as proposed, would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine whether the antenna proposed by Grand Island Broadcasting Company would constitute a hazard to air navigation.

8. To determine the signal intensity which would be produced by the operation of the station proposed by Grand Island Broadcasting Company at the Commission's Monitoring Station at Grand Island, Nebraska, and whether such signal intensity would have an adverse effect upon the Commission's Monitoring Station.

9. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of November 14, 1950, designating the above-entitled application of Custer County Broadcasting Company for hearing is amended to include therein issues Nos. 1, 3, 4, 5, and 9, above.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 51-10165; Filed, Aug. 23, 1951;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1712]

MONTANA POWER CO.

ORDER POSTPONING AND CHANGING PLACE OF
HEARING

AUGUST 6, 1951.

By order of the Commission issued July 26, 1951, and published in the FEDERAL REGISTER on July 31, 1951 (16 F. R. 7470), this proceeding was set for hearing to commence on August 20, 1951, at 10:00 a. m., e. d. s. t., in Washington, D. C.

On August 2, 1951, National Coal Association, United Mine Workers of America, and Railway Labor Executives Association, interveners herein, requested that the hearing be postponed to a date not earlier than September 15, 1951, and be set at a place in the State of Montana which the Commission deems best suited to the convenience of all parties concerned. Many local coal and railroad interests in the States of Montana, Wyoming, and Utah have informally urged that the Commission grant the request of the interveners.

The Commission finds: Good cause has been shown and it would be in the public interest to postpone such hearing to the date and place hereinafter ordered.

The Commission orders: That public hearing in this proceeding fixed by order of the Commission issued July 26, 1951, to commence on August 20, 1951, at 10:00 a. m., e. d. s. t., in Washington, D. C., be and the same hereby is postponed to commence on September 10, 1951, at 10:00 a. m., m. s. t., in U. S. District Courtroom, Post Office and Courthouse Building, Billings, Montana.

Date of issuance: August 20, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-10133; Filed, Aug. 23, 1951;
8:45 a. m.]

[Docket No. G-1757]

NATURAL GAS STORAGE CO. OF ILLINOIS

NOTICE OF APPLICATION

AUGUST 20, 1951.

Take notice that Natural Gas Storage Company of Illinois (Applicant), a Delaware corporation, having its principal place of business at 20 North Wacker Drive, Chicago, Illinois, filed on August 7, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of a storage pool and appurtenant facilities as hereinafter described and as more fully described in the application.

Applicant proposes to acquire easements on approximately 30,880 acres of land in Kankakee and Iroquois Counties in Illinois, to drill wells, lay connecting pipelines, construct a dehydration plant and appurtenant facilities and to store natural gas in porous sandstone formations underlying the area.

Applicant proposes to operate the proposed project to store off-peak gas of Natural Gas Pipeline Company of America and Texas Illinois Natural Gas Pipeline Company, its affiliates, and to construct approximately 55 miles of 30 and 26-inch diameter pipeline to interconnect the proposed storage pool with the pipelines of those companies. Applicant proposes to commence construction not later than July 1, 1952, and to commence initial operation within one year thereafter.

The proposed storage pool will have a storage capacity, exclusive of cushion gas, of 90 billion cubic feet with a maximum daily withdrawal capacity of 1½ billion cubic feet.

The estimated overall cost of the proposed facilities when completed is \$36,200,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of September 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-10134; Filed, Aug. 23, 1951;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26338]

SAND FROM CAMDEN AND LEXINGTON, TENN.

APPLICATION FOR RELIEF

AUGUST 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provisions of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Sand, carloads.
From: Camden and Lexington, Tenn.

To: Specified points in official (including Illinois) and western trunk-line territories.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 178.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-10148; Filed, Aug. 23, 1951;
8:47 a. m.]

[4th Sec. Application 26339]

SEWING MACHINE CABINETS, ETC., FROM
SOUTH BEND, IND., TO ANDERSON, S. C.

APPLICATION FOR RELIEF

AUGUST 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Sewing machine cabinets, stools, tables, and carrying cases, carloads.

From: South Bend, Ind.

To: Anderson, S. C.

Grounds for relief: Circuitous routes. Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-10149; Filed, Aug. 23, 1951;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2677]

ALABAMA POWER CO.

NOTICE OF FILING REGARDING THE ISSUANCE
AND SALE OF PRINCIPAL AMOUNT OF FIRST
MORTGAGE BONDS AT COMPETITIVE BIDDING
AND TRANSFER FROM EARNED SURPLUS TO
COMMON STOCK ACCOUNT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of August 1951.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Alabama Power Company ("Alabama"), a subsidiary of The Southern Company ("Southern"), a registered holding company. The filing has designated sections 6 and 7 of the act and Rule U-50 promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than August 30, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said application-declaration as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application-declaration which is on file at the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Alabama proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, promulgated under the act, \$15,000,000 principal amount of its First Mortgage Bonds, -- percent series, due 1981, to be issued under and secured by Alabama's present indenture dated as of January 1, 1942, as heretofore supplemented on October 1, 1947, and December 1, 1948, and to be further supplemented by an indenture to be dated as of September 1, 1951.

The invitation for bids will provide that each bid is to specify the coupon rate for the new bonds, which must be a

multiple of $\frac{1}{8}$ percent, and the price to be paid Alabama, exclusive of accrued interest, which price must be not less than 100 percent nor more than 102 $\frac{1}{4}$ percent of the principal amount of said bonds. Accrued interest from September 1, 1951, to the date of payment and delivery is to be paid to Alabama by the purchaser or purchasers.

The filing states that the proceeds from the sale of these new bonds will provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions, and additions to Alabama's property, or to reimburse its treasury, in part, for expenditures made for such purpose. According to the filing, Alabama contemplates expenditures for construction for the three years 1951 through 1953 of \$100,500,000. The management of Alabama estimates that, based upon the present level of earnings and current expectations with respect to the progress of this construction program, it will be necessary to raise approximately \$16,000,000 of new money before the end of 1952 and approximately \$24,000,000 of additional new money before the end of 1953. It is now contemplated by the management that this will be done through the issuance of additional securities of types and in amounts not yet determined. The construction program is subject, according to the filing, to modification because of changes in availability of equipment, defense measures, including governmental controls, general economic conditions, or other factors.

The filing states that the issuance and sale of the proposed new bonds are subject to authorization by the Alabama Public Service Commission, the State commission of the State in which Alabama is organized and doing business.

The filing indicates that Alabama, beginning August 1, 1945, in accordance with orders of the Federal Power Commission and of the Alabama Public Service Commission, is amortizing the amount classified as electric plant acquisition adjustments at the rate of \$48,766 a month. The order of the Federal Power Commission directed such charge to be made to income deductions whereas the order of the Alabama Public Service Commission permits such charge to be made to operating expenses. By letter dated August 20, 1951, Alabama Public Service Commission has directed Alabama to continue the practice of charging this amortization to operating expenses.

Alabama also proposes to increase that part of capital stock represented by the 4,046,252 shares of its outstanding common stock from \$53,522,121 to \$61,022,121 by transferring \$7,500,000 from earned surplus account to common stock stated capital account. It is represented that the amount so transferred represents a portion of the earned surplus of Alabama accumulated subsequent to January 31, 1942, and prior to January 1, 1948, the date as of which Southern restated its investments in subsidiary companies to their underlying book value.

Alabama requests that any order of this Commission, permitting effectiveness to the declaration and granting the

application, become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-10135; Filed, Aug. 23, 1951;
8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 323, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp., app. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 18316]

KARL BECKMANN

In re: Stock owned by Karl Beckmann. F-28-31594.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Beckmann, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three thousand (3000) shares of \$1.00 par value capital stock of Reorganized Kewanas Mining Company, Goldfield, Nevada, a corporation organized under the laws of the State of Nevada, evidenced by certificates numbered 7733, 7734 and 7735 for one thousand (1000) shares each, registered in the name of J. F. Monahan, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

b. Four thousand (4000) shares of \$.05 par value capital stock of Goldfield Deep Mines Company of Nevada, Goldfield, Nevada, a corporation organized under the laws of the State of Nevada, evidenced by a certificate numbered 53307, registered in the name of Carl W. Mueller, Administrator of the Estate of Marie Beckmann, Deceased, and presently in the custody of the Attorney General of the United States, together, with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karl Beckmann, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10172; Filed, Aug. 23, 1951;
8:48 a. m.]

[Vesting Order 18313]

ANNA ALTHAUS

In re: Rights of Anna Althaus under insurance contracts. Files Nos. F-28-31602-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Althaus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 69504104 and 69504105 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Anna Althaus, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to; held on behalf of or on account of, or owing to; or which is evidence of ownership or control by, Anna Althaus, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10169; Filed, Aug. 23, 1951;
8:48 a. m.]

[Vesting Order 18317]

MARTHA BRAUNS-FOREL

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Martha Brauns-Forel, deceased. F-28-31608.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Martha Brauns-Forel, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Fahnestock & Company, 65 Broadway, New York 6, New York arising out of funds allocable to Martha Brauns-Forel, deceased, on deposit in a General Ruling No. 6 account in the name of Banque Galland & Cie., S. A., maintained with the aforesaid company, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Fahnestock & Company, 65 Broadway, New York 6, New York arising out of funds allocable to Martha Brauns-Forel, deceased, on deposit in an account in the name of Banque Galland & Cie., S. A. (1-0417), maintained with the aforesaid company, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of the Guaranty Trust Company, New York, New York, arising out of funds allocable to Martha Brauns-Forel, deceased, on deposit in a General Ruling No. 17 account in the name of Banque Cantonale, Vaudoise, Switzerland, maintained with the aforesaid bank, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, arising out of funds allocable to Martha Brauns-Forel, deceased, on deposit in an account in the name of Societe de Banque Suisse, Lausanne, Switzerland, maintained with the aforesaid agency, together with any and all accruals to the aforesaid debt or other

obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Martha Brauns-Forel, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Martha Brauns-Forel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10173; Filed, Aug. 23, 1951; 8:48 a. m.]

[Vesting Order 18314]

JULIE AMMON BERNSTORFF, ET AL.

In re: Trust Indenture of May 23, 1939; Julie Ammon Bernstorff, Settlor; Central Hanover Bank & Trust Company and Hans Bernstorff, Trustees. File No. D-66-349 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Clemens August Grauert, Hans Herbert Grauert, Dr. Hans Grauert, Else Bernstorff, Mrs. Dr. Elizabeth Buitkamp, Mrs. Carl Hosseus and Annemarie Hosseus, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust indenture dated May 23, 1939, by and between Julie Ammon Bernstorff, settlor, and Central Hanover Bank and Trust Company and Hans

No. 165—8

Bernstorff, trustees, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10170; Filed, Aug. 23, 1951; 8:48 a. m.]

[Vesting Order 18315]

PETER WILHELM LINDNER

In re: Rights of Peter Wilhelm Lindner under insurance contract. File No. F-28-24710-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Wilhelm Lindner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 206466 issued by the West Coast Life Insurance Company, San Francisco, California to Peter Wilhelm Lindner, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Peter Wilhelm Lindner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10171; Filed, Aug. 23, 1951; 8:48 a. m.]

[Vesting Order 18318]

GENERAL ELECTRIC CO.

In re: Bond Redemption account owned by General Electric Company, also known as Allgemeine Elektrizitaets Gesellschaft. F-28-4320.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That General Electric Company, also known as Allgemeine Elektrizitaets Gesellschaft, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, in the amount of \$4,200.00, as of June 14, 1941, arising out of a bond redemption account deposited prior to January 1, 1935, entitled The National City Bank of N. Y., Trustee under Trust Agreement dated 1/15/25 providing for Allgemeine Elektrizitaets Gesellschaft 20 yr. Sinking Fund 7 percent Gold Debentures due 1/15/45, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said The National City Bank of New

York, against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, General Electric Company, also known as Allgemeine Elektrizitäts Gesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10174; Filed, Aug. 23, 1951;
8:48 a. m.]

[Vesting Order 18319]

GENERAL ELECTRIC CO.

In re: Interest accounts owned by General Electric Company, also known as Allgemeine Elektrizitäts Gesellschaft, F-28-4320.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That General Electric Company, also known as Allgemeine Elektrizitäts Gesellschaft, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The National City Bank of

New York, 55 Wall Street, New York, New York, arising out of the interest accounts deposited prior to January 1, 1935, entitled and in the amounts, as of June 14, 1941, as set forth in Exhibit A, set forth below and by reference made a part hereof, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said The National City Bank of New York, against the said accounts, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, General Electric Company, also known as Allgemeine Elektrizitäts Gesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Title of account	Amounts
The National City Bank of New York, trustees under trust agreement dated 12/1/25 providing for Allgemeine Elektrizitäts Gesellschaft 15-year 6½ Percent Gold Sinking Fund Debentures due 12/1/40.....	\$227.00
The National City Bank of New York, trustee under trust agreement dated 1/15/25 providing for Allgemeine Elektrizitäts Gesellschaft 20-year Sinking Fund 7 Percent Gold Debentures due 1/15/45.....	857.00
The National City Bank of New York, trustee under trust agreement dated as 5/1/28 providing for Allgemeine Elektrizitäts Gesellschaft 20-year 6 Percent Gold Sinking Fund Debentures due 5/1/48.....	840.00

[F. R. Doc. 51-10175; Filed, Aug. 23, 1951;
8:48 a. m.]

[Vesting Order 18321]

ERNEST LUDWIG MARX

In re: Securities owned by and debt owing to Ernest Ludwig Marx, also known as Ernesto Lodovico Marx, F-28-27321-A-1; F-28-27876-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Ludwig Marx, also known as Ernesto Lodovico Marx, whose last known address is Budenheim, On-the-Rhine, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

*2. That the property described as follows:

a. Forty (40) shares of common stock of North American Company, 60 Broadway, New York, New York, evidenced by a certificate or certificates presently in the custody of J. P. Morgan & Co., Inc., 23 Wall Street, New York 8, New York, in an account entitled "Credit Suisse, Lugano, Switzerland, Identified Ella Marx, Swiss-German-Italian", together with all declared and unpaid dividends thereon,

b. Fourteen (14) shares of stock of Potomac Electric Power Company, Washington, D. C., evidenced by a certificate or certificates presently in the custody of J. P. Morgan & Co., 23 Wall Street, New York 8, New York, in an account entitled "Credit Suisse, Lugano, Switzerland, Identified Ella Marx, Swiss-German-Italian", together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of J. P. Morgan & Co., 23 Wall Street, New York 6, New York, in the amount of \$549.50 as of January 3, 1951, on deposit in a blocked account entitled "Credit-Suisse, Lugano, Switzerland, Identified Ella Marx, Swiss-German-Italian", maintained with the aforesaid company together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernest Ludwig Marx, also known as Ernesto Lodovico Marx, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10177; Filed, Aug. 23, 1951;
8:49 a. m.]

[Vesting Order 18320]

MASATO KAWASHIMA

In re: Debt owing to Masato Kawashima. F-39-7002.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masato Kawashima, whose last known address is 1596 Koi-Machi, Hiroshima City, Hiroshima Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Masato Kawashima, by The Yokohama Specie Bank, Ltd., Los Angeles Office, Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a Fixed Deposit Certificate No. 68217, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10176; Filed, Aug. 23, 1951;
8:49 a. m.]

[Vesting Order 18322]

CHOJIRO NISHIKAWA

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Chojiro Nishikawa, deceased. D-39-19379.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Chojiro Nishikawa, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Anglo California National Bank of San Francisco, Fillmore Office, Fillmore and Geary Streets, San Francisco 15, California, arising out of a savings account, Account No. 13140 entitled Chojiro Nishikawa maintained with the aforesaid bank, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Chojiro Nishikawa, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Chojiro Nishikawa, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10178; Filed, Aug. 23, 1951;
8:49 a. m.]

[Vesting Order 18323]

RHINE WESTPHALIA ELECTRIC POWER CORP.

In re: Interest accounts owned by Rhine Westphalia Electric Power Corporation, also known as Rheinisch-Westfälisches Elektrizitätswerk A/G. F-28-5835.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rhine Westphalia Electric Power Corporation, also known as Rheinisch-Westfälisches Elektrizitätswerk A/G, the last known address of which is Essen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Essen, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of the interest accounts deposited prior to January 1, 1935, entitled and in the amounts, as of June 14, 1941, as set forth below in Exhibit A and by reference made a part hereof, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said The National City Bank of New York, against the said accounts, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rhine Westphalia Electric Power Corporation, also known as Rheinisch-Westfälisches Elektrizitätswerk A/G, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Title of accounts	Amounts
The National City Bank of New York, trustee under Mortgage Trust Indenture dated as of 8/1/28 providing for Rheinisch-Westfalischs Elektrizitätswerk A/G Consolidated Mortgage Gold Bonds 6 percent Series of 1928 due 8/1/53, and 6 percent Series of 1930 due 4/1/55-----	\$1,830.00
The National City Bank of New York, trustee under Indenture dated 11/1/25 providing for Rheinisch-Westfalischs Elektrizitätswerk A/G Direct Mortgage Gold Bonds 7 percent Series due 1950 and 6 percent Series due 1952-----	917.00
The National City Bank of New York, Trustee under Trust Agreement dated 2/2/31 providing for Rheinisch-Westfalischs Elektrizitätswerk A/G 7 percent Secured Gold Notes due 2/1/36, certain notes extended to 2/1/41, all payable 9/9/39-----	20,712.00

[F. R. Doc. 51-10179; Filed, Aug. 23, 1951; 8:49 a. m.]

[Vesting Order 18324]

RHINE WESTPHALIA ELECTRIC POWER CORP.

In re: Bond redemption account owned by Rhine Westphalia Electric Power Corporation, also known as Rheinisch-Westfalischs Elektrizitätswerk A/G. F-28-5835.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rhine Westphalia Electric Power Corporation, also known as Rheinisch-Westfalischs Elektrizitätswerk A/G, the last known address of which is Essen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Essen, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obliga-

tion of The National City Bank of New York, 55 Wall Street, New York, New York, in the amount of \$31,121.00, as of June 14, 1941, arising out of a bond redemption account, entitled The National City Bank of New York, Trustee under Trust Agreement dated 2/2/31 providing for Rheinisch-Westfalischs Elektrizitätswerk A/G 7 percent Secured Gold Notes due 2/1/36, certain notes extended to 2/1/41, all payable 9/9/39, maintained at the aforesaid bank, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by said The National City Bank of New York, against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rhine Westphalia Electric Power Corporation, also known as Rheinisch-Westfalischs Elektrizitätswerk A/G, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10180; Filed, Aug. 23, 1951; 8:49 a. m.]

[Vesting Order 18325]

RHINE WESTPHALIA ELECTRIC POWER CORP.

In re: Special Reserve account owned by Rhine Westphalia Electric Power Corporation, also known as Rheinisch-Westfalischs Elektrizitätswerk A/G. F-28-5835.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rhine Westphalia Electric Power Corporation, also known as Rheinisch-Westfalischs Elektrizitätswerk A/G, the last known address of which is Essen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Essen, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, in the amount of \$351.00, as of June 14, 1941, arising out of a special reserve account, entitled The National City Bank of New York, Trustee under Indenture dated 11/1/25 providing for Rheinisch-Westfalischs Elektrizitätswerk A/G Direct Mortgage Gold Bonds 7 percent Series due 1950 and 6 percent Series due 1952, maintained at the aforesaid bank, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by said The National City Bank of New York, against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rhine Westphalia Electric Power Corporation, also known as Rheinisch-Westfalischs Elektrizitätswerk A/G, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10181; Filed, Aug. 23, 1951; 8:49 a. m.]

[Vesting Order 18326]

MARGARETE SAALFELDT

In re: Certificate of interest owned by Margarete Saalfeldt. F-28-31593.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Saalfeldt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) Certificate of Interest for one (1) unit Ridgeview and Annex Liquidation Trust, bearing the number 1526, registered in the name of Margarete Saalfeldt, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10182; Filed, Aug. 23, 1951;
8:49 a. m.]

[Vesting Order 18328]

WILLIAM F. SCHMIDT ET AL.

In re: Securities owned by William F. Schmidt and others. F-28-31624.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibit A, set

forth below and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibit A, set forth below and by reference made a part hereof, are corporations, partnerships, associations or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That William F. Schmidt, whose last known address is Goslar, Bismarckstr. 6, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Max Bischoff, whose last known address is Oelde, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Erich Milchzack, whose last known address is Schwanenwede 88, b. Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, together with all declared and unpaid dividends thereon,

b. All rights and interest in and under one (1) temporary certificate for 20 shares of \$100 par value, Class A, preferred stock of Midland Utilities Company, said certificate numbered TCAO 2248 and owned by William F. Schmidt,

c. All rights and interest in and under one (1) Warrant for Bullion No. 1785, issued by Mines Operating Company, for 4¾ oz. Gold or \$85.50, owned by Max Bischoff, and

d. One (1) German Certificate for 4 percent Missouri Pacific Railway Company 40-year gold loan bond of 1905 numbered 10294 of \$500 face value, said German Certificate numbered 3523 and owned by Erich Milchzack, together with any and all rights in and under said certificate,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany).

and it is hereby determined:

7. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof and the persons named in subparagraphs 3, 4 and 5 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name of Issuer	Class of stock	Par value	Certificate No.	Number of shares	Owner
Midland Utilities Co.	6 percent preferred class A.	\$100.00	AC/O 2039	10	William F. Schmidt.
National Electric Power Co.	6 percent cumulative preferred.	100.00	CX1236, CX3109	35	Do.
Mines Co. of America.	Capital.	1.00	18357	100	Heinrich Alten.
Do.	do.	1.00	21918	100	Friedrich Eichmann.
Missouri Pacific Ry. Co.	do.	100.00	B9010	10	Erich Milchzack.
Montana Belle Oil & Gas Co.	do.	1.00	564,565	250	Stadtsparkasse Bad Pyrmont.

[F. R. Doc. 51-10184; Filed, Aug. 23, 1951; 8:49 a. m.]

[Vesting Order 18327]

SAXON STATE MORTGAGE INSTITUTION

In re: Interest accounts owned by Saxon State Mortgage Institution, also known as Sachsische Landespfandbriefanstalt. F-28-12028.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saxon State Mortgage Institution, also known as Sachsische Landespfandbriefanstalt, the last known address of which is Dresden, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Dresden, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other ob-

ligations of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of the interest accounts deposited prior to January 1, 1935, entitled and in the amounts, as of June 14, 1941, as set forth below in Exhibit A and by reference made a part hereof, maintained at the aforesaid Bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said The National City Bank of New York, against the said accounts, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Saxon State Mortgage Institution, also known as Sachsische Landespfandbriefanstalt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Title of accounts	Amounts
The National City Bank of New York, trustee under Trust Indenture dated 12/1/26 providing for Sachsische Landespfandbriefanstalt Mortgage Collateral Sinking Fund 6½ Percent Guaranteed Gold Bonds due 12/1/46.....	\$243.00
The National City Bank of New York, trustee under Trust Indenture dated 12/1/25 providing for Sachsische Landespfandbriefanstalt Mortgage Collateral Sinking Fund 7 Percent Guaranteed Gold Bonds due 12/1/45.....	455.00
The National City Bank of New York, trustee under Trust Indenture dated as of 9/15/27 providing for Sachsische Landespfandbriefanstalt Mortgage Collateral Sinking Fund 6 Percent Guaranteed Gold Bonds due 9/15/47.....	180.00

[F. R. Doc. 51-10183; Filed, Aug. 23, 1951; 8:49 a. m.]

[Vesting Order 18330]

JOSEPH WITTKOPP

In re: Stock owned by Joseph Wittkopp. F-28-25733-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Wittkopp, whose last known address is Nene Schulstr. 24, Hagen Westfalen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-five (25) shares of no par value common capital stock of Montgomery Ward & Co., Incorporated, 619 West Chicago Avenue, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificate number NCO 16316, registered in the name of Joseph Wittkopp, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10186; Filed, Aug. 23, 1951; 8:50 a. m.]

[Vesting Order 18329]

FRANCES WEHMER-HULMANN ET AL.

In re: Securities owned by Frances Wehmer-Hulmann and others. F-28-31623.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibits A and B set forth below and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B set forth below and by reference made a part hereof, are corporations, partnerships, associations or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Frances Wehmer-Hulmann, whose last known address is Essen, Hagenaustr. 43 Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Elisabeth Gilessen, whose last known address is Duesseldorf, Dorotheenstr. 46, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Lilly Hayssen, whose last known address is Oldenburg, Philosophenweg 17, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

6. That Anton Hütemann, whose last known address is Albaun Krs. Olpe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That Wilhelm Kremer, whose last known address is Leverkusen-Schlebusch, Kurt Neubauerstr. 6, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

8. That Dr. Med Bruno Rosenhain & Frau Salla, each of whose last known address is Braunschweig, Brabantstr. 3, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

9. That Friedrich Schmidt, whose last known address is Wilhelmshaven, Dardanellenstr. 9, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

10. That Wilhelm Schulten, whose last known address is Haan, Hochdählerstr., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

11. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, together with all declared and unpaid dividends thereon,

b. Those certain debts or other obligations, matured or unmatured, evidenced by the bonds described in Exhibit B, owned by the persons identified therein as owners, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in and to said bonds,

c. All rights and interest in and under four (4) certificates for North American Trust shares, Distributors Group Incorporated as Depositary, said certificates issued in bearer form numbered X156221, X156222, X156700 and X156701, owned by Frances Wehmer-Hulmann.

d. All rights and interest in and under six (6) certificates for North American Trust Shares, 1956, Distributors Group Incorporated as Depositary, issued by City Bank Farmers Trust Company, in bearer form, numbered AA3266, AA15927, AA15995 and CC15521/3, owned by Elisabeth Gillesen.

e. All rights and interests in and under one (1) Pacific States Savings and Loan Company 6 percent Fidelity Participating Certificate, numbered 20074, of \$175.00 face value, owned by Lilly Haysen.

f. All rights and interests in and under one (1) certificate of beneficial interest for 3,098 units in the Park Shore Properties Liquidation Trust issued by Chicago City Bank and Trust Company under trust number 2050, said certificate numbered 849, and owned by Anton Hüttemann.

g. All rights and interests in and under one (1) certificate of beneficial interest for 80 units in the Park Shore Properties Liquidation Trust issued by Chicago City Bank and Trust Company under trust number 2050, said certificate numbered 850, and owned by Wilhelm Kremer.

h. All rights and interests in and under one (1) certificate of beneficial interest for 2,065 units in the Park Shore Properties Liquidation Trust, issued by Chicago City Bank and Trust Company under trust number 2050, said certificate numbered 741, and owned by Wilhelm Kremer.

i. All rights and interests in and under one (1) certificate of beneficial interest for 2 units in the Park Beach Hotel Liquidation Trust, issued by Chicago City Bank and Trust Company under trust number 2442, said certificate numbered 85, and owned by Wilhelm Kremer.

j. All rights and interests in and under two (2) Prudence-Bonds Corporation first mortgage collateral bond 15th Series, Receipts for Coupons, said receipts of \$2.00 face value each, numbered 15 1963 and 15 1964, owned by Dr. Med Bruno Rosenhain and Frau Salla.

k. All rights and interests in and under one (1) Receipt representing interest in one-sixth of one share of no par value common stock of Radio Corporation of America, said receipt numbered 111191, and owned by Friedrich Schmidt.

l. One hundred fifteen (115) shares of Class B capital stock of Susquehanna Silk Mills, evidenced by certificates numbered B41 and BO 63 for 100 shares and fifteen shares, respectively, owned by Wilhelm Schulten.

m. All rights and interests in and under Scrip Certificates for voting trust certificates representing 79/100ths of a share of Class B capital stock of Susquehanna Silk Mills, said certificate numbered B63, and owned by Wilhelm Schulten.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

12. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof and that the person named in subparagraphs 3, 4, 5, 6, 7, 8, 9 and 10 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate No.	Number of shares	Owner
Northern Mining Corp.	Capital	None	0254	100	Arthur von Hurter.
Do	do	None	0333, 0355, 0356	9,000	Dr. M. Oster.
Orle Gasoline Production Co.	Preferred	\$100.00	785	4	Franz Beitz.
The Quary Mining & Milling Co.	Capital	.10	319	1,000	Otto Kötter.
Pacific Smelting & Mining Co.	Common	5.00	500	100	Emma Auguste Zenker.
Paterson Brewing Co.	Capital	1.00	040, 0356, 0384, 0459, 080, 0399, 0400, 0602	100	Gertrud Bösch.
Pelican Works-Gunther Wagner, Inc.	do	None	1, 2, 3	200	Gunther-Wagner.
Radio Corp. of America	Common	None	WO 111121	4	Friedrich Schmidt.
Richmond Laboratories, Inc.	Capital	None	2	60	Walther Buchler.
Dr. Riegel Sanitarium Co.	do	\$10.00	18	1	Dorothea Deppe.
Do	7 percent cumulative preferred	10.00	10	1	Do.
The Rock Island Co.	Common	100.00	B46333	10	John Stechmann.
Do	do	100.00	C45093, C47802, C48019, C49486, B148079	450	Deutsche Bank.
Do	do	100.00	B128857/60, B132981	50	Eduard Arnolds.
The Salt Dome Oil Corp.	Capital	1.00	PO 7308, PC 9715	160	Heinrich Becker.
Sinclair Consolidated Oil Corp.	Common	None	0319326	1	Pauline Vierlinger.
Spirit Lake Power & Mining Co.	Capital	\$1.00	1009, 1210	3,000	Dresdener Bank.
Standard Oil Co.	do	25.00	S-C 24788, S-C 41952	13	Hans Dehnike.
Sterling Loan & Building Savings Association.	do	100.00	16876	5	Adele Grote.

EXHIBIT B

Description of issue	Face value	Bond No.	Owner
Northern Pacific Ry. Co. general lien railway and land grant 3 percent gold bonds, due Jan. 1, 2047.	\$1,000.00	M521, M1279, M4007, M10176, M10431, M27390	Karl Bergeneser.
St. Louis-San Francisco Ry. Co. prior lien mortgage 4 percent gold bonds, series A, due July 1, 1950.	1,000.00 1,000.00 500.00	M76124 M7920 D6400	Hermann Pagel.

¹ Each.

[F. R. Doc. 51-10185; Filed, Aug. 23, 1951; 8:50 a. m.]

[Vesting Order 18190, Amdt.]

CERTAIN GERMAN NATIONALS

In re: Debts owing to German nationals whose names are unknown.

Vesting Order 18190, dated July 16, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 1 from said Vesting Order 18190 and substituting therefor the following subparagraph:

1. That the property described in subparagraph 4 (b) hereof is being held by the American Express Company, 65

Broadway, New York 6, New York, for the account of the American Express Company, m. b. H., Berlin Office, 73 Unter den Linden, Berlin, Germany;

By deleting subparagraph 2 from said Vesting Order 18190 and substituting therefor the following subparagraph:

2. That the property described in subparagraphs 4 (a) and 4 (c) hereof are being held by the American Express Company, Inc., New York Agency, 65 Broadway, New York 6, New York, for the account of the American Express

RULES AND REGULATIONS

Company, m. b. H., Berlin Office, 73 Unter den Linden, Berlin, Germany;

By deleting subparagraph 4 (a) from said Vesting Order 18190 and substituting therefor the following subparagraph:

4. a. That certain debt or other obligation of the American Express Company, Inc., New York Agency, 65 Broadway, New York 6, New York, arising out of so much of a demand account in the name of the American Express Com-

pany, m. b. H., Berlin Office, maintained with the aforesaid American Express Company, Inc., as exceeds the sum of \$33,115.46, together with any and all rights to demand, enforce and collect the same,

All other provisions of said Vesting Order 18190 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the author-

ity thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 20, 1951.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-10187; Filed, Aug. 23, 1951;
8:50 a. m.]